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ANCIENT AND MEDIÆVAL

REPUBLICS:

A REVIEW OF THEIR INSTITUTIONS, AND
OF THE CAUSES OF THEIR
DECLINE AND FALL.

BY

HENRY MANN, 1848-1915

A. S. BARNES & CO.,
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Republics
Cities and towns, Ancient
" " " , Medieval
History-Philosophy

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INTRODUCTION.

THE glory and the wane of republics of the past form a subject of never-dying interest to the student, the philosopher, and the statesman. In the laborious narratives bequeathed to us by patient and truth-loving historians, who not unfrequently had witnessed with their own eyes the scenes portrayed by their pens, in the vivid pictures presented by the comic and the satirical poets, and in the philippics of Demosthenes and the orations of Cicero, we trace the workings of the same jealousy, the same ambition, the same love of power and greed for gold which animate men to-day. In the study of ancient institutions and customs we learn how little there is new under the sun, how few experiments in civil government have been untried, how few tricks and expedients for the achievement of political objects are original with modern partisans. We may observe, at a secure distance, the play of unruly passions, the rage of rival factions, the plots and counter-plots of conspirators. Each sketch of the life of a dead commonwealth is in itself a tragedy, full of lessons and full of warnings to every friend of manhood equality.

My purpose in undertaking the preparation of this volume was to present a continuous and compact review of the various democratic and oligarchical systems which flourished in ages gone by. None of the republics whose institutions are described in this book now exist, although Venice endured for over thirteen centuries, having submitted to the first Napoleon in 1797, three hundred years

after John Cabot had planted on American soil the banner of St. Mark. All have perished, but their fame survives in their mighty monuments, in our classics, in the very languages of civilized nations, and even in the titles of European nobility.*

I thought it but appropriate that my work should begin with a sketch of the Hebrew commonwealth, and of the Mosaic laws, which, copied to a large extent by the founders of New England, have left an imprint upon our institutions that will never be effaced. From the Israelites I have passed, by an easy and natural transition, to their neighbors, the Phœnicians, and thence to Carthage, the queenly daughter of Tyre. I have followed the Hellenic States from their formation, through their growth, their greatness and their decline, and until the period when the Achaean League yielded to the legions of Rome. More than one-third of the work is devoted to Roman constitutional history. I have not stopped at the downfall of the commonwealth, but I have traced the gradual disappearance of republican forms and of the legislative authority of the Senate, the establishment of an irresponsible military despotism, and the organization of the vast and oppressive system of administration, which sapped the vitality of the empire. I have sketched the rise of Christianity, and the decline of Paganism, until its suppression by Theodosius, and have closed my review of ancient Rome with a chapter on the collapse of imperialism in the west. The birth of a new Italian nation, and the rise of papal power next demanded attention,

*The titles of prince, duke and count had their origin, as is elsewhere explained, in the republican period of Rome.

before the institutions of mediæval commonwealths could be intelligently reviewed. The subject of the papacy I have endeavored to treat with judicial impartiality; neither bowing to error because it is venerable, nor pandering to prejudice by a needless obtrusion of truths which to many are painful. Having conveyed to the reader an idea of the attitude of the Roman court toward the young republics of northern and central Italy, I have essayed to relate the events which led to the liberation of the Lombard communes from the imperial yoke, to depict their brief season of prosperity and independence, and to tell the gloomy story of their enslavement. I have then turned to Florence, where democracy long survived the ruin of freedom in Lombardy, and outlined the struggles of the warring factions who contended for the mastery of that State, the frequent and peculiar changes in the constitution of the commune, and the promotion of the Medici from the condition of plebeian bankers to be autocrats of the people among whom they had been citizens. My task terminated with a sketch of the growth, grandeur and decay of the Venetian oligarchy.

My views upon the causes of the decline and fall of the systems of government described in this volume are fully set forth; but I have carefully refrained (except in one instance) from drawing any deductions which might seem to have a direct bearing upon public affairs in the United States, lest whatever educational value the work may possess might be impaired by the diverse feelings and partial strictures

that such reflections could not fail to evoke. Wherever I have introduced the idea of another, I have given due credit therefor; though I have not cumbered my pages with references as to unquestioned historical facts. In conclusion I add that it was not without well-grounded diffidence that I entered a field in which so many men of extensive knowledge and transcendent abilities had preceded me; but I was encouraged by the thought that, while I could not emulate their genius, I could imitate their industry, and that diligent labor would command respect, even when directed by inferior talent.

HENRY MANN.

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ANCIENT AND MEDIÆVAL REPUBLICS.

CHAPTER I.

THE HEBREW COMMONWEALTH—THE PHœNICIANS— CARTHAGE.

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I. THE family was the foundation, and “Honor thy father and thy mother!” the fundamental principle of the Hebrew State. The tribes were divided into clans, or fraternities, and these were subdivided into houses known as father-houses, comprising an indefinite number of families descended from a common ancestor. The heads of the tribes are described in the Bible as princes, and they were persons of high authority and influence. They acted as councillors of the commander-in-chief, and their solemn confirmation seems to have been necessary to give validity to a compact with a foreign power. The princes of the tribes appear to have also possessed authority to dictate the

course to be pursued in an important emergency, as when they decided that the Gibeonites should be spared alive, and Joshua announced the decision. On the occasion mentioned all the congregation murmured against the princes; but, nevertheless, the people did not attempt to contravene the judgment arrived at. The princes of tribes and the subordinate chiefs were nominated by their respective tribes, clans and houses, and were invested with jurisdiction by the head of the nation. Moses, in the first chapter of Deuteronomy, when reminding the Israelites of all that God had done for them, described the manner of appointing rulers over the people. He told how he had complained of the too great weight of responsibility and care borne by him as sole judge of Israel, and how he had requested the people to relieve him of a share of the burden by an election of officers as assistants. He stated over again the decree given by him commanding the election, and the action taken in pursuance of the decree, and, as it is the earliest record in the world's history of a popular choice of rulers, I repeat the prophet's words: "And I spake unto you at that time, saying, I am not able to bear you myself alone. How can I myself alone bear your cumbrance and your burden and your strife? Take you wise men, and understanding, and known among your tribe, and I will make them rulers over you. And ye answered me and said, The thing which thou hast spoken is good for us to do. So I took the chief of your tribes, wise men and known, and made them heads over you, captains over thousands, and captains over hundreds, and captains over tens, and officers among your tribes. And I charged your judges at that time, saying, Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment; but ye shall hear the small as well as

the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you bring it unto me, and I will hear it." From these words of the Hebrew lawgiver it is evident that the consent of the people was asked to the adoption of the system of civil government which he proposed to them; that the people selected the men whom they desired for rulers, and that Moses endowed the persons so nominated with jurisdiction.

Administrative, judicial and executive functions were combined in the same officers, and resident aliens were entitled to equal justice with the Israelites themselves. The men chosen by the people to be magistrates were persons esteemed for wisdom and honesty, and had, no doubt, been previously resorted to as arbitrators of minor tribal and family controversies. But there was no privileged office-holding class, nor was mature age an indispensable qualification in a ruler. Indeed, some of the most famous of the early leaders of the Hebrews were young men, full of fire and vigor, and capable of deeds of daring at which older heads would have hesitated. Wealth, reputation for wisdom, honorable descent, and prowess in war, influenced the multitude in the choice of their chieftains; but occasionally, in grave exigencies, leaders sprang from the ranks of the obscure, and by some great exploit advanced themselves to almost supreme authority.*

Besides the numerous officials of various grades appointed to judge the people, was a Senate of Seventy, which

* Gideon, when summoned by the Lord to deliver Israel from the Midianites, answered: "My family is poor in Manasseh, and I am the least in my father's house." But he obeyed the call, and overthrew the oppressor. When his grateful followers would fain have made him their despot, he declined, saying that the Lord would rule over them. Nevertheless, Gideon exercised a judicial supervision over Israel until his death.

appears to have acted as a high court of appeals, to decide causes too weighty for the lesser magistrates. This Senate was selected by Moses to relieve him of the "great matters" and "hard causes" which the Israelites were continually submitting to him. "Gather unto you," said the Lord, "seventy men of the elders of Israel, whom thou knowest to be elders of the people and officers over them, and bring them unto the Tabernacle of the Congregation, that they may stand there with thee. And I will come down and talk with thee; and I will take of the spirit which is upon thee, and will put it upon them, and they shall bear the burden of the people with thee, that thou bear it not thyself alone." The Seventy were thus to be chosen by Moses from among those who were already in authority, and as they were to be selected by him, without a nomination by the people, they were likely to act in accord and harmony with their chief. The influence of this body must have been great, and their decisions revered. In the days of the judges, and during the times of the kings, the Senate of Seventy was allowed to fall into neglect. The kings usually chose their own advisers, guided either by fear or by caprice, and a Senate would have been a dangerous and menacing institution to an autocratic and depraved monarch. But among the reforms effected by Jehosophat was the restoration of this ancient council; and after the return from captivity at Babylon the Seventy became an important and integral part of the Jewish State.

The general assembly of the people, called in the Bible the "Congregation of Israel," was the source of all power in the Hebrew republic, and on every occasion of grave and general importance the people were summoned to pass upon questions referred to them by their rulers. Sometimes, also, the people acting of their own accord directed the course to be pursued, as when the whole

congregation called upon Moses to send spies to search out the land of Canaan.* The meaning of the term, "Congregation of Israel," has been a subject of dispute among learned commentators of the Bible; the weight of authority inclining to the opinion that the "Congregation" was a gathering of representatives of the tribes, to whom Moses promulgated his laws, and by whom those laws were accepted in behalf of the people. Moses is frequently spoken of in the Bible as addressing the "Congregation," and, it is claimed by those who regard the "Congregation" as having been a representative body, that it would have been impossible for the vast multitude of Israelites to hear the voice of their leader. I cannot receive this point as decisive, for it is well known that in some of our New England cities and towns the practice is maintained of summoning together all the freemen, when, in fact, not one tithe of them could find standing room in the halls devoted to their accommodation. May not the Tabernacle of the Congregation have been in the same sense the central rallying spot of the Israelites, though but comparatively few could gather within its folds? The Hebrew word translated "Congregation," is used in various senses in the Bible. We read in Judges, chapter xx, "And all the sons of Israel went forth, and the Congregation was assembled as one man, from Dan to Beersheba, and the land of Gilead, unto Jehovah at Mizpeh. And the chief men of all the people, all the tribes of Israel, presented themselves in the assembly of the people of God, four hundred thousand footmen that drew the sword." Here we find a distinction clearly made between the "chief men of all the people," and the "Congregation;"

* "And ye came near to me every one of you, and said: We will send men before us and they shall search us out the land, and bring us word again by what way we must go up, and into what cities we shall come. And the saying pleased me well," etc.—Deut. i., 22, 23.

the latter term evidently including all the people. The Biblical chronicler goes on to state that, after hearing the story of the Levite whose concubine had been brutally abused by members of the tribe of Benjamin, the people arose as one man saying: "We will not any of us go to his tent, and will not any of us turn aside to his house," etc. It cannot be supposed that the people actually arose as one man and uttered the solemn resolve, but rather that the elders of the Congregation suggested the course to be followed, and that their suggestion was adopted by the multitude. Nor can it be reasonably assumed that Moses attempted to address all the people when delivering the mandates of the Almighty; but rather that all were called together to hear him, and that the persons of distinction and authority stationed near the person of the lawgiver heard and repeated the divinely-inspired decrees. The general assembly of Israel was likewise the army of Israel, just as the centurian assembly of Rome was the Roman civic army. The people being the army, it was impossible for the head of the nation to carry out his plans against the will of the people. The popular voice was bowed to by judges and by kings, and it was not until monarchy had become firmly established, and royalty was supported by veteran generals and a mercenary standing army, that the kings of the Jews became autocrats.

The code of laws framed by Moses was eminently fitted to keep the Israelites an independent and separate people, and to maintain the purity of their blood and the vigor of their race. The Israelites stood aloof; they sought no proselytes; they conquered not for empire but for use. They desired no subject provinces; all they wanted was room to live and multiply in. Unlike the surrounding nations, they worshiped an unseen God, and they had no king. Judged by the effects of his work Moses stands in

the foremost rank of lawgivers. Sparta is blotted from the map of Greece, Athens lost its national existence many centuries ago, Rome is absorbed in Italy, and there is no such people as the Romans ; but the Jews are still a separate race, governed by customs and laws transmitted to them from the wilderness, and retaining in almost unadulterated purity the physical peculiarities of their Mesopotamian ancestor. Empires have been chiseled into fragments, once powerful nations have been annihilated, and great commercial States, like Tyre and Carthage, have been utterly obliterated, but the surviving tribes of Israel are yet as distinct from the rest of the world as when the hearts of their fathers were chilled into awe by the voice of God in the thunder of Sinai.

The Hebrews were not a commercial people. They were compelled to depend for support upon their flocks and the fruits of the soil. To every Israelite was allotted his portion of land, which was to be his forever, and to be the heritage of his children after he should have passed away, and no landed estate could be alienated for more than fifty years. Each family thus became wedded to its home, and inspired by that sense of independence and attachment to the soil which the rentpayer never knows. Every man "sat under his own vine and his fig-tree, and there was none to make him afraid." Agriculture and the life of the shepherd were honorable, and from the fields and the threshing-floor went forth mighty men to be judges and captains over Israel. The embarrassed debtor might look forward with hope to the year of Jubilee, which would restore to him his inheritance, instead of being liable, as in Rome, to be cut into as many pieces as he had merciless creditors ; and a special law provided that any one who had parted with his land might recover it at any time, through himself or his nearest of kin, by paying to the holder what-

ever might be esteemed as the reasonable profits from the property until the coming Jubilee. Usury was expressly forbidden.* These ordinances were well calculated to preserve the nation from those convulsive struggles between the creditor and the debtor classes, which rent the most renowned republics of antiquity, and had much to do with bringing about their downfall.

The criminal code was severe, though not barbarous, the evident aim of the lawgiver being to maintain the sanctity of religion and of the family relation. We have been accustomed to consider the Mosaic statutes as Draconic and sanguinary, because exemplary penalties were provided for certain offenses now regarded with leniency by men of the world, and the punishment of which is left to private vengeance. But, in fact, the laws of Moses were, taken as a whole, less inhuman and rigorous than those in force in England within a century past. Deliberate and premeditated murder, manstealing, the striking or the cursing of a parent, manslaughter caused by manifold negligence, such as permitting a dangerous animal to go at large, idolatry, witchcraft, blasphemy, adultery, and crimes against nature, were all capital. For injuries not mortal the principle was

* "And if my brother be waxen poor and fallen in decay with thee, then thou shalt relieve him; yea, though he be a stranger or a sojourner, that he may live with thee. Take thou no usury of him, or increase; but fear thy God, that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase."—Levit. xxv., 35, 36, 37.

In the later and corrupt period of the Jewish State, the practice of money-lending at interest seems to have prevailed very extensively; although the Jews had no coined money of their own until after the Biblical period. Many were obliged to mortgage their lands and vineyards to pay taxes. Nehemiah rebuked the money-lenders in public and compelled them to release their debtors. In the time of the Saviour banking was prevalent, and Christ himself appears to have regarded the business as legitimate, for, in the parable of the talents, a servant is reproved for not having placed his master's money with a banker, where the money would have earned usury.

laid down of "an eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot, burning for burning, wound for wound, stripe for stripe." This principle was not carried out in practice, offenders being generally punished by a pecuniary fine, which was paid to the injured party.*

A spirit of strict justice, combined with charity and humanity, breathed throughout the Mosaic code. "Thou shalt not," it was commanded, "oppress a hired servant that is poor and needy, whether he be of thy brethren, or of the strangers that are within thy gates, At his day thou shalt give him his hire; neither shall the sun go down upon it, for he is poor and setteth his heart upon it." Again, it was enjoined, "Thou shalt neither vex a stranger nor oppress him; for ye know the heart of a stranger, seeing ye were strangers in the land of Egypt." "Thou shalt not curse the deaf, nor put a stumbling-block before the blind; but shalt fear thy God." Again, "When ye reap the harvest of your land, thou shalt not wholly reap the corn out of thy field, neither shalt thou gather the gleanings of thy harvest. And thou shalt not glean thy vineyards, neither shalt thou

*In England, under Queen Elizabeth, no less than thirty-one crimes were punishable by death, and the number grew, at a later period, to two hundred and twenty-three. The early settlers of Massachusetts Bay, who followed the Mosaic code as closely as was possible in their situation, made ten offences capital, namely, idolatry, witchcraft, blasphemy, "when direct, express, presumptuous, or highhanded," homicide, whether committed in malice or in passion, adultery, two crimes of uncleanness, man-stealing, false witness, "of purpose to take any man's life," and treason against the commonwealth. The code of the Connecticut colony was very similar to that of Massachusetts Bay, and the codes of these colonies, while in reality more humane than the laws of England, were denounced and reviled because, like the Mosaic statutes, they bore severely upon vices indulged in by the courtly and dissipated cavaliers. If a hundred hungry thieves had been strangled on the bleak shores of New England for stealing bread to keep them from starving, no protest, no groan of horror, would ever have been heard from the pleasure-steeped pimps who basked in the smiles of Charles II; but the hanging of an adulterer aroused their sympathetic indignation.

gather every grape of the vineyard; thou shalt leave them for the poor and the stranger." This tenderness was to be extended even to the lower animals, and the Hebrews were expressly forbidden to take a mother bird with her young.

It may be presumed that ample provision was made for the education of the Hebrew youth. "The words which I command thee this day," said Moses, "shall be in thy heart, and thou shalt teach them diligently to thy children. Thou shalt talk of them when thou sittest in thine house, when thou walkest by the way, when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes; and thou shalt write them upon the posts of thine house, and on thy gates." The writing of the commandments would have been impossible as well as useless, unless the people were able to read and write. Therefore there is sound foundation for the averment of Jewish commentators, that schools were to be found in every district in Israel, and that teachers were held in honor. To those who aspired to higher knowledge the "Schools of the Prophets" were open, where children might receive instruction and wisdom from men held in reverence for their learning and for their piety. The Levites were the literati of Israel, and the lips that taught the child to read, also taught it the sacred precepts of religion, and its duty to God, to parents, and to country. Hereditary priests, they were also hereditary instructors, and to their industrious labors we owe the perpetuation of those sacred writings, which, combined with the New Testament, form the guide-book of the Christian.

The Jewish commonwealth lasted for about four hundred and fifty years. "In those days there was no king in Israel, and every man did that which was right in his own eyes." The local affairs of cities and districts were directed by elders, who acted as representatives of the people, and who consulted with the people in determining matters of

importance. Questions too difficult to be decided by the local judiciary were carried up on appeal to the chief judge of the nation, who, in conjunction with the heads of the priesthood, exercised supreme jurisdiction. This was in accordance with the commandment set forth by Moses in the eighth, ninth and tenth verses of the seventeenth chapter of Deuteronomy, by which it was ordained that the Israelites should submit hard controversies unto "the judge that shall be in those days," and unto the priests, and that any person refusing to obey the decree of the judge and of the priest should be put to death. It was not requisite, therefore, that the judge of Israel should himself be a priest, the dignity of judge being wisely made attainable by any member of the nation who should prove himself worthy to hold it. Even women were not excluded from the highest office in the State, for we read that "Deborah, a prophetess, the wife of Zaphidoth, judged Israel," and that "the children of Israel came up to her for judgment." The judge of Israel was likewise commander-in-chief of the armies, and Deborah, when she found it necessary to make war against Jabin, king of Canaan, called upon Barak to levy a force of men, and went with Barak to the battlefield, and ordered the attack upon the enemy.

The Mosaic constitution did not prescribe any regular form of electing a Judge of Israel. The choice of a ruler was guided by circumstances and surroundings, and was on one occasion the result of a startling and seemingly Providential tragedy. That was when Ehud, having been sent to present tribute in behalf of the Israelites to Eglon, king of Moab, procured a private interview with the tyrant, and plunged a dagger into his body. Ehud made good his escape, and the Israelites, emboldened by the death of their foe, gathered behind the patriot assassin. Nevertheless, the popular will, either expressed in a spontaneous

and informal manner, as in the case of Ehud, or formally and deliberately, as when the people and elders of Gilead, after consultation and deliberate resolution, called upon Jephthah to be "head over all the inhabitants of Gilead," was requisite to the investiture of any person with legitimate authority as captain and judge.

The last of this illustrious line of ancient republican rulers was Samuel. As long as the prophet was able to attend personally to the administration of justice the Israelites were satisfied; but when he became old his sons took bribes and "perverted judgment." The people concluded at length that the despotism of one man was preferable to the tyranny of a number. The elders met at Mizpeh and demanded a king. To deter them from the change Samuel warned them of the unbounded nature of the authority which a king would exercise over their persons and their chattels. This warning is of itself evidence enough that the Israelites had, up to that time, been in the enjoyment of personal and political rights incompatible with the notions of monarchical government then prevalent. These rights, however, they were willing to yield up for a king, who, they hoped, would restrain the aristocracy, organize armies for defense against the foes by whom they were surrounded, and, if a tyrant, tyrannize over all alike. The misconduct of the venerable prophet's sons must have been odious indeed to have driven the people to surrender their ancient liberties. Young, hot-headed, libidinous, they defied the statutes of the commonwealth, substituted their own will for law, and made a mockery of justice. Lesser chiefs and magistrates, corrupted by the evil influence of such an example, oppressed and plundered those beneath them, while the hostile nations round about harassed the frontier tribes and kept the Israelites in continual dread. Misgovernment and disunion, with all their train of attendant

evils, created a longing for absolutism combined with peace and security.

San.uel gave to the Israelites a king, and as he resigned his office he said: "Behold, I am here! Witness against me before the Lord! Whose ox have I taken? Whose ass have I taken? Or whom have I defrauded? Or of whose hands have I received a bribe to blind my eyes therewith?" And the people answered: "Thou hast not defrauded us, nor oppressed us; neither hast thou taken aught of any man's hand." What a touching, solemn scene! The last aged head of the Jewish commonwealth surrenders his trust to the people who are about to choose an absolute monarch, and they acknowledge of him, what they could not of his sons, that he had been a just man and an impartial magistrate. Thus died the Hebrew republic.

II. The conquest of Palestine by the Israelites had a far-reaching influence, not only upon the destinies of the Hebrew nation, but also of Greece, of Africa, and of even more distant shores. The Canaanites, were a wealthy, energetic and progressive race, acquainted with the arts as well as the vices of civilization. "Great Sidon" and the "strong city of Tyre" appear to have been flourishing marts of trade when the Hebrew host swept all before them from Jordan to the sea. Joppa, one of the oldest cities in the world, must also have been a haven for ships and a centre of traffic. The irruption of the Israelites was not too sudden to prevent the people of the land from having an opportunity to escape. Even before the capture of the rich and flourishing city of Jericho, the key of Canaan, Rahab the harlot told the spies sent by Joshua that terror had fallen upon all the inhabitants of the country, and that they were faint owing to their dread of the invaders. It is, therefore, extremely probable that many Canaanites fled from destruction, and took with them to the primitive tribes of Greece,

and to Africa's inhospitable coast, a knowledge of letters, of the arts, and of their native religion.*

The form of government in the petty States overrun by the Israelites was monarchical. The princes, or elders had a greater or less influence over the king, and the ordinary freemen joined in expressing the national judgment when imminent danger threatened the community, and perhaps, also, on any occasion of serious and general concern. This is shown by the statement of the Gibeonite ambassadors to Joshua and the princes of Israel—"Our elders and all the inhabitants of our country spake to us, saying," etc. Although each Canaanite State was sovereign and independent, leagues were formed, when occasion arose, for defense against a common foe, and the allied forces acted under the direction of the principal member of the confederacy.

The Israelites wisely abstained from any attack upon the powerful cities of Sidon and of Tyre, and the Phœnicians displayed no anxiety to measure arms with a race which seemed to be invincible, and against whose religious enthusiasm and reckless courage fortifications were vain and chariots of iron were useless. The Tyrians and Sidonians were too busy in accumulating wealth to devote time to war. In Tyre, which subsequently overshadowed her ancient rival, the commercial class, for the first time in the world's known history, asserted itself as a distinct power, entitled to and able to take part in the government of the State. Commerce was the support of the city, and the foundation of its

*Procopius, in his history of the war against the Vandals, in which, as secretary for the Roman commander Belisarius, he took a personal part, relates that there were in Numidia, at Tigisis, two columns, on which were inscribed in Phœnician characters, "We are those who fled from the face of Joshua, the robber, the son of Naue."

strength and magnificence.* The aristocracy was a commercial aristocracy, and skilled workmen were free and respected. The wealthier citizens were represented by a Senate, which acted as an advisory council to the king, and probably could, when united or nearly unanimous, exercise a restraint upon the monarch. The king of Tyre was a hereditary ruler, the head of the church as well as of the State, and lived in a style of grandeur befitting a prince of merchant-princes. His government was supported by mercenaries from Persia, from Lydia, and other countries, and it was not difficult for the king to make himself, with the aid of these mercenaries, a cruel and irresponsible despot.

III. Tyre is most interesting to the historical student as the mother of the great republic of Carthage. It was a Carthaginian who uttered those memorable words, that first brief, comprehensive assertion of the rights of man :

"Homo sum, humani nihil a me alienum puto."

The noble refugees who founded Carthage took with them into their settlement on Africa's barbarous shore that spirit of enterprise which had built up their native State, together with a prejudice against royalty, liable as it was to be abused by arbitrary acts of usurpation, such as had made them exiles. The government of Carthage was republican, and its "suffetes," or judges, were in no sense kings. The term "suffete," is similar to that by which the Hebrews designated their rulers before the adoption of monarchy. Wealth was the controlling power in Carthage, as in all commercial communities. Nobility of birth was also acknowledged, for the two suffetes were elected only from a certain number of families; but wealth was the indispens-

* "It is truly surprising to find at a time so very remote as that of the flourishing period of Phœnician commerce the extent of intercourse which prevailed among the different nations of the earth; but we are too apt to make the Greeks our standard, and, forgetting the ancient civilization of Asia, to fancy that advance had been slow and insignificant before they entered on the scene of action."—*Foreign Quarterly Review*: 14; 197.

able qualification for the highest offices. It is written that the suffetes and captains-general bought their dignities, but Arnold thinks that this should not be understood of paying money to obtain votes, but that the fees or expenses of entering on an office were purposely made very heavy in order to render the position inaccessible to any but the rich. Even the Great Council, the most numerous branch of the legislature, and, in early times, the only legislative body, was composed wholly of the aristocracy. From this Great Council were selected one hundred members, who formed a Senate, or Council of Elders, and who were invested with supreme authority in the State. They were originally appointed as a check upon the powers of the captains-general, and were a court before which every general, on his return from a foreign command, rendered an account of his conduct. Before the organization of this Council, military commanders had exercised a dangerous influence in the affairs of the republic, and had even assumed to arrogate the functions of government. The Council of Elders reversed all this, and thereafter commanders were not only held strictly to account, but were also trammelled in the management of their armies in ways which caused them serious irritation, and sometimes foiled the accomplishment of well-laid military schemes.

By degrees the Council of One Hundred became not only supreme criminal judges, but also a supreme executive council, of which the two suffetes were presidents. Although legally no more than a managing committee of the Great Council, they in reality controlled that body, for the authority which they exercised, both in civil and military affairs, was such that none dared to oppose their will. They also possessed the power of perpetuating themselves in office, for they were not elected by the Great Council at large, but by certain bodies described by

Aristotle as pentarchies, or commissions of five. Aristotle says of these commissions that "they have supreme authority in many and great affairs, are self-chosen, and they likewise choose the Council of One Hundred, who form the highest magistracy." This description is obscure and unsatisfactory, and hardly anything is positively known regarding the pentarchies beyond the fact that they existed. I venture the opinion that they were courts exercising civil and criminal jurisdiction, subject to appeal to the Council of Elders, and that they filled the vacancies in the Council from among their own number, at the same time giving the outgoing senators seats in the pentarchies. Thus senators may have rotated from the Council of One Hundred to a pentarchy, and from a pentarchy to the Council of One Hundred, which would give meaning to Aristotle's otherwise unintelligible language regarding these commissions, that the members "continue longer in office than any other, for it begins before they come into office, and continues after it expires." In this way a close corporation gradually usurped all power in Carthage, and encroached upon both the suffetes and the people. The suffetes, whose authority had in early times been almost royal, were deprived of their most valuable attributes; but they still continued to be an essential part of the government, and whenever they differed on any question with the council of Elders, the question was submitted to the verdict of the Great Council.

The aristocracy, while making no attempt to oppress the multitude, maintained a rigid line between the classes. The aristocrats met in clubs, where they also messed at a general table, thus binding themselves together by social ties. The plebeians had, however, but little to complain of. Though excluded from the higher offices of government, they enjoyed many privileges. Want never, except when

they were beleaguered by foes, stared them in the face. The State bestowed lands on the needy, and petty offices on the deserving, with no grudging hand; and the popular voice was always listened to, however great the sacrifice. Nevertheless, the reins of power were not suffered to slip into the hands of the people. Polybius is inclined to attribute the overthrow of Carthage to a too popular form of government; but the evidence of history is against his view. The Carthaginian system was more aristocratic and exclusive than the Roman, and the Romans owed their success in the mighty duel between the two republics rather to the exceptional skill and talents of able commanders, and the determination and endurance of the citizen-soldiery, than to the influence of patrician counsels.

Carthage, in the days of its greatness, must have been a scene of wonderful grandeur and activity.* The Carthaginians were luxurious, and prone to display their wealth. Pliny tells us that they were in the habit of making their

* "They had two ports, disposed in such a manner that a ship might easily go from one to the other, and yet there was but one entrance, through a passage sixty-six feet wide, secured with chains. The first was for merchants, where there were numerous and divers sorts of quarters for the sailors; the other, which was the inner port, was appropriated for men-of-war, and in the middle of it stood an island which, as well as the port, was surrounded with vast quays, containing receptacles and covered shelter for two hundred and twenty ships, and above them were stone houses and naval workshops. The fronts of each place were supported by two Ionic marble columns, so that the whole round, as well of the port as of the island, represented on both sides two magnificent galleries. Upon the island stood the admiral's palace, from whence his orders were issued by the sound of the trumpet, from whence he published his ordinances and from whence he had the oversight of all things. The island stood immediately opposite to the mouth of the port, extending itself a good way forward, so that the admiral could discern all that passed at sea, a great distance off, whereas those at sea could not distinguish what was going on within. Nay, even the merchants within their port could not see the men-of-war, for it was separated from the inner harbor by a double wall. They had even a separate gate from their port to the city."—*Appian*.

bucklers and pictures of gold. The riches of the temples were immense, and the furniture and embellishments of private dwellings were of the costliest kind. Distant isles of the Atlantic, as well as the nearer shores of Asia and of Europe, contributed to the teeming stores of Carthage. In the great African republic bank-notes had their origin. "In a small piece of leather," says Æschines, the Socratic philosopher, "is wrapped a substance of the size of a piece of four drachms; but what this substance is no one knows except the maker. After this it is sealed, and issued for circulation; and he who possesses the most of this is regarded as having the most money, and as being the wealthiest man. But if any one among us had ever so much he would be no richer than if he possessed a quantity of pebbles." Of course banks must have existed for the redemption of these leather promises to pay, and the issue and currency of such notes must have been provided for by law. Carthage had public libraries, as well as banks, and learned men were held in esteem by her intelligent merchants. Yet so utter was the destruction of the city by the Romans that nothing of Carthaginian literature has come down to us. It is strange that all this magnificence, luxury and evidence of intellectual cultivation should have been disfigured by the custom of offering up human sacrifices—a custom which provoked the remonstrances of even the despotic ruler of Persia. The Carthaginians inherited from the Tyrians a propensity to the immolation of human life. Holocausts of human beings were sacrificed to their Baal, and defeat in war, as in the case of Bomilcar, was atoned for by the public crucifixion of the unsuccessful general.

The fall of Carthage cannot justly be ascribed to internal dissensions, or to the faults of her system of government. Rome was stronger, and Rome bent all her tremendous energies and her indomitable will to annihilate her

rival ; there was not room for two such republics ; the struggle once begun had to end in the ruin of one or of the other. But conquering Rome could not replace the State she had swept from the face of the earth. The ruined palaces of the Carthaginians were buried in the sand, and commerce departed forever from the blighted coast. Pirates, like buzzards, made the deserted port their lurking place, and, in the language of Herder, " Africa sank into a granary for the Roman people, a hunting ground for their amphitheatres, and an emporium for slaves."

" Delenda est Carthago ! let the tear
Still drop, deserted Carthage, on thy bier ;
Let mighty nations pause as they survey
The world's great empires crumbled to decay ;
And hushing every rising tone of pride,
Deep in the heart this moral lesson hide,
Which speaks with hollow voice as from the dead,
Of beauty faded and of glory fled—
Delenda est Carthago !"

CHAPTER II.

ORIGIN AND FORMATION OF THE HELLENIC STATES.

Part I.—The Primitive Inhabitants of Greece—Warriors the Ruling Class—Tribes and Fraternities—Attributes and Emoluments of Royalty—The Crown Hereditary—Public Justice—Privileges Enjoyed by Women—Political Status of Woman in a Monarchy Compared with her Political Status in a Republic—The Amphyctionic League.

Part II.—The Dorian Invasion of the Peloponnesus—Dorian Customs and Characteristics—Cause of Spartan Predominance—Early Institutions of Lacedæmon—Tribes and Subdivisions of Tribes—The Council of Elders—Authority and Dignity of the Kings—Election of Senators—No Guarantee against a Betrayal of Trust—Jurisdiction of the Council—Division and Inheritance of Landed Property—Spartan Education—Public Meals—The Citizen-Army—The Helots—The “Crypteia,” or Secret Assassination of Slaves—The “Crypteia” in its most Cruel Aspect—The Provincials—Tendency of the Institutions of Lycurgus to Create an Aristocracy—Social and Political Clubs—The Ephors Representatives of the Oligarchy—Almost Unlimited Power of the Ephors—Humiliation of the Royal Families.

Part III.—The Achæan League—The Bœotian Confederacy—A Union of Fourteen Sovereign States—Federal and Local Constitutions—The League of Ætolian Tribes—Causes of the Difference of Political and Social Systems in the Different States of Greece—Monarchy Supplanted by Oligarchy—Growth of the Democracy—Dominion of Tyrants—Feudal Government in Thessaly—The Thessalian Confederacy.

I. IN the cloud of myth and fiction which envelopes the genesis of the Hellenic nation the following outline of fact seems to be discernible: The Pelasgians were the primitive inhabitants of the country known as Greece; neither

monument nor tradition tells of a prior race. The Hellenes, a people closely akin to the Pelasgians in language, customs and religion, descended from their seat in the north upon the pleasant valleys and fruitful plains of their southern neighbors. They did not destroy, nor did they enslave the inhabitants of the land, but intermarried with and communicated to them their own superior energy, intelligence and restless vitality, and that spirit of heroism, chivalry and adventure characteristic of the Homeric age. The work of conquest was apparently not carried on in pursuance of a general plan, but as circumstances urged, or cupidity tempted the branches of the Hellenic race to spread further and found new States. In Attica and in the more inaccessible parts of the Peloponnesus, the Pelasgian element remained predominant, under the name of Ionians, though the origin of the name is obscure. Herodotus represents with positiveness that the Ionians were Pelasgians, as opposed to the Dorians, who were of Hellenic descent, and the jealousy and rivalry which existed almost from the beginning of the historic period between Ionian Athens and Dorian Sparta can hardly be explained on any other ground than that of the consciousness that they were not only the champions of two widely different political and social systems, but also the representatives of separate, although kindred nationalities. Even in Attica, however, it is probable that there was an admixture of Hellenic blood, and the organization of the Athenian State attributed to the mythical personage Ion may have been effected by martial invaders belonging to the aggressive race. External causes must also have exercised a powerful influence in moulding the minds and manners of the Greeks. The Phœnicians did not neglect the commercial advantages offered by the islands and shores of the Ægean; and there is reason to believe that they planted colonies and established factories, and

communicated to the natives a knowledge of letters and of Phœnician mythology.

In those troublous times when might made right, and the title to possession was the power to defend, the warriors were naturally the ruling class. A State consisted of a number of semi-independent tribes, or communities, linked together for defense and owing allegiance to one sovereign. Each tribe was divided into clans, and each clan was composed of a number of families. The families composing a clan could not have been of common descent, for it is not likely that in a country swept by invaders, and divided among a number of warlike and frequently warring princes, the offspring of one man could have multiplied quietly in one locality, and maintained themselves as a distinct and exclusive body. On the contrary, it is easy to imagine causes which, in a barbarous and unsettled condition of society, may have led families of different origin to cluster together and form a unit of a tribe. The families of a clan would in course of time become connected by ties of marriage and of neighborly intercourse, and new comers would soon be assimilated, so that a clan would be in fact, as well as in name, a *fraternity*. In war an army was arrayed in tribes, as among the Hebrews, and the tribes were marshalled according to their clans. When all the freemen of a tribe were not needed on an expedition a sufficient number were selected—as we learn from the *Iliad*—by lot, so that conscription has the sanction of antiquity.

The king or chief was usually a man of superior wealth, prudence in council, and prowess in the field. Wealth was necessary to procure the best weapons and the stoutest armor, and to equip personal retainers in a style befitting the royal dignity. The king also acted as high priest in the performance of grave religious rites, and presided among the elders of the people in the trial of causes. Other great

land-owners and warriors were almost equal to the king in station, though the influence and pre-eminence of the sovereign must have depended very much upon his personal attributes, and the affection or awe with which he was regarded by his subjects. The royal income—outside of that derived from the monarch's private domain—must have been precarious. The king received compensation from litigants for services as judge, and contributions were sometimes extorted from the people; States which courted his comity sent him gifts of more or less value, and the lion's share of the spoils of victory fell to him. The crown was hereditary, and, in default of a son, a daughter might occupy her father's throne. A council of leading men assisted the sovereign in deliberating upon and deciding affairs of State, and no doubt there was a popular assembly in which matters of special interest to the ordinary freemen were promulgated to them, and their assent or dissent signified. Written laws were probably unknown, and the administration of justice was founded upon immemorial usage. Unless the State was directly and palpably affected by a wrong done, its authority was not exerted to bring the wrong-doer to justice. The prosecution of a private injury was left to the individual injured, and the next of kin might, in case of murder, accept a pecuniary atonement. The manslayer, even when the homicide was accidental, was expected, however, to go into exile until he had become purified from the stain of human blood by certain expiatory rites. When a cause was submitted to a public trial the elders sat in a circle in the market place, the king presiding, although his presence seems not to have been indispensable. It may be presumed that the voice of the majority prevailed, as in the dicastic courts of democratic Athens. Heinous crimes were punished with death.

Judging from the Homeric poems and the mixture of

fable and probable truth contained in Grecian traditions, women in the heroic age possessed many privileges denied to them in later and more artificial society. The daughters of the household entertained visitors with a freedom repugnant to modern rules of propriety, and which must not unfrequently have resulted in intimate and licentious relations. The father disposed of his daughter as he pleased, though the daughter's own choice of a husband was occasionally deferred to, even when disagreeable to the parent. Some of the mythical heroes are represented as winning their wives by tremendous feats of prowess resembling those attributed to legendary knights-errant by romancers of the Middle Ages, and the contests of rival suitors for the hand of a favorite beauty, and the Trojan war undertaken for the rescue of an abducted queen, indicate—however fabulous the details may be—a high and chivalrous regard for the weaker sex. Once emancipated by marriage from parental control, a woman, after her husband's death, followed her own will in selecting a second spouse. The daughter of a king succeeded, in default of sons, to her father's dominion, and mythology relates no instance of opposition to female succession. It is not improbable that the general law which held good in the transmission of a kingdom prevailed also in the descent of private property. Even the widow of a king, not queen in her own right, but only through her marriage, sometimes kept the throne after the demise of her husband, as is related of Omphale, queen of Lydia. Women of high and of low degree occupied themselves at home in attending to their children, and in spinning and weaving garments for themselves and their families. A wife faithless to her marital engagements might be put away, but such lapses were sometimes forgiven, especially if the wife was beloved by her husband, or connected with a powerful family. Women captured in war were the spoil

of the conqueror, whereas men were almost invariably put to death. The captive women were allotted, like the rest of the plunder. They did not necessarily become the slaves of those to whom they fell, for they might be adopted and treated as wives, their fate probably depending upon the effect produced by their attractions and their tears.

The gradation by which woman descended from her station of comparative equality in the heroic ages, to the position of wardship and marked inferiority which we find her occupying in the historic period, we have no means of tracing. We know that in the immature and anarchical era of modern society, when western Europe was parceled among as many petty sovereigns as there were great landholders, woman was prominently active in matters which are now regarded as within the special province of man. Queens led armies to the battle-field, and titled ladies witnessed with cold disdain the agonies of tortured criminals. As the feudal system decayed, and society became civilized, woman shrank from scenes and associations which were shocking to her instincts in the light of a purer education. In the joys and duties of home life, and in the exploration of fields of knowledge formerly barred to her, she found ample compensation for the idolatry of knights-errant, and her position, although apparently inferior to what it had been in the chivalric period, was far happier and more dignified. The restraints laid upon womanhood in the republican era of Greece no doubt had their origin in various causes. As the people grew more enlightened, they also grew more fastidious in regard to the morals of their wives and their daughters, and guided perhaps by the example of their Asiatic neighbors, they adopted the Asiatic method of enforcing female fidelity—that is, seclusion. Again, as the sovereign authority became distributed among the mass of citizens, the right to share in the sovereignty was

more and more jealously guarded, and careful precautions were taken to prevent the introduction of alien blood.

The tribes, or petty nationalities, of north-eastern Greece, appear to have been united at a very early period in a confederacy known as the Amphyctionic League. A glance at the map of ancient Greece shows that the strength of the League was in the mountain range which walls in the southern frontier of the Thessalian plain. The fact that the Dorians and Ionians were on equal terms in the council of the League, in the historic period, with such tribes as the Magnetes, Malians, Ceteans, and Perrhæbians, proves that the League existed when the Dorians were an obscure people occupying a small region of country, and before they had made that descent into the Peloponnesus which resulted in the foundation of several powerful Dorian States. The bond of union between the members of the League was of a religious nature, but in ancient times the religious element was prominent in all confederacies, even when the real object was clearly political. The Amphyctionic oath bound the tribes belonging to the League to refrain from utterly destroying any Amphyctionic city, and from cutting off its supply of water; and also to defend the treasures of the Delphic god from pillage, and to take the severest vengeance upon any one who should sacrilegiously profane the temple, or plan anything against it. The first part of the obligation was clearly intended to ameliorate the horrors of war between Amphyctionic States, and in assenting to it a State to a certain extent surrendered its sovereignty. Whatever may have been the effect of the engagement in pre-historic times, the Greeks of a later era were not restrained by it from reducing their fellow-Greeks, of the same blood and speaking the same language, to slavery, and in some instances razing Amphyctionic cities to the ground. It is very probable that in early ages, among

simple tribes deeply imbued with religious feeling, the pledge may have been faithfully observed. The main purpose of the League was, however, the protection of the treasures in the Delphic temple, which, from time immemorial, was a famous resort of pilgrims. In addition to the gifts contributed, either with a view of propitiating the god, or in token of gratitude for supposed favors, valuables were deposited in the temple for safe-keeping, in order that they might be protected by the sanctity attaching to the place. It was, therefore, to the interest of the tribes whose territories were contiguous to the Delphic shrine, to guard the inviolability of the sanctuary, and to unite in executing punishment upon any one who should attempt to plunder the temple of its treasures. The Delphic oracle was not under the control of the Amphyctionic Council, but of the leading citizens of Delphi, and its utterances in historic times were usually well-meant, and often wise. Of course, when the female who acted as the medium of the god was requested to prophesy concerning the future, she could not help dropping into deceptive ambiguity.

II. The century following the Trojan war was an era of unrest, emigration and revolution. Tribes which had lived for ages in quiet obscurity and content became animated by a desire to improve their condition, and descended from their rugged homes among the mountains upon their wealthier but less martial neighbors. The irruption of the Dorian highlanders into the Peloponnesus, under pretense of restoring the Heraclidæ to the control of their ancestral dominions, was the most important of these great movements. A hardy, warlike and haughty race, bound together by peculiar customs, which served to foster equality and maintain exclusiveness, the Dorians were severely democratic among themselves, and distant and overbearing toward strangers. Unlike other Hellenic races, they did

not affiliate with the conquered. They retained the entire government in their own hands, and left mechanical and agricultural pursuits to their subjects and slaves. The predominance achieved by the Spartans over the other Dorian States, and eventually over all Greece, was owing to their marvellous progress in the art of war, to the cultivation of which the whole life of the Spartan citizen, almost from the cradle, was devoted. The Spartans may be called the authors of military tactics, and the manœuvres of a Spartan army might be studied with benefit even by the tacticians of to-day. The Spartan conquests were the triumph of military skill, combined with indomitable courage, over brave but undisciplined multitudes, and Spartan supremacy lasted until commanders arose, like Epaminondas, who were able to improve upon the Spartan method of fighting.

Of the early institutions of Lacedæmon we have no authentic knowledge, but it is evident that the *rhetra*, or covenants, instituted by Lycurgus, were not innovations, but ancient customs confirmed and adapted to the peculiar situation of the people. The existence of Lycurgus has been disputed, but without good reason. Lycurgus is supposed to have lived in the ninth century before the Christian era, about four centuries before Herodotus, and his career, as described by the historian, does not justify the assumption that he was a mythical personage, created from imagination to flatter the vainglory and conceit of the Spartans. Besides, the transfer of the Dorian community from their highland homes to the lordship of an extensive territory and of many thousands of subjects and slaves, must have resulted sooner or later in just such a condition of anarchy, misrule and inequality of wealth as to call for a lawgiver to redress wrongs, establish order, and regulate the social and political system.

The Spartans, like other Dorian States, were divided into three tribes, called *Hylleis*, *Dymanes* and *Pamphyli*, and each tribe was divided into ten *obæ*, a word signifying a union of families. Each *obé* elected one member of the *Gerousia*, or Council of Elders, except two *obæ* belonging to the Hyllean tribe, which must have been represented in the Council by the two kings. The origin of the divided royalty is attributed by a legend to the twin sons of Aristodemus, one of the Heracleid leaders in the conquest of the Peloponnesus. It is more probable that the dual throne was established with a view of preventing usurpation, as two kings would be likely to watch each other, and save the people that trouble. The insignia of the kings was of Oriental splendor, but their political power was plainly defined. The accession of a king was signaled by general rejoicings, and by the remission of all debts due from private individuals to the State or to the prince; and a king's death was the occasion of national mourning and of the most extravagant demonstrations of grief, in which the provincials and the helots were required to take part. In war the king was supreme. A body-guard of one hundred men attended upon him, and his commands were obeyed without hesitation or appeal. At home the kings presided in the Council of Elders, though the royal vote counted for no more than that of an ordinary senator, and when absent their places were supplied by senators nearly related to them. The kings likewise had the right to address the public assembly. In their priestly character they conducted grave religious ceremonies, poured out libations to the gods, and received a liberal portion from sacrifices. As magistrates they decided disputes regarding the possession of heiresses, and sanctioned the adoption of children by childless citizens—an office that carried with it a vast influence in regulating the distribution of property and the social affairs

of the people. To the kings was also entrusted the maintenance of the public roads, and the superintendence of intercourse with visiting foreigners, whom the Spartans were always more inclined to treat as spies than as guests.

The antiquity of the Council of Elders is shown by the manner in which its members were elected, and by the fact that they represented, not the tribes, or wards, into which Sparta was divided, but the old *obæ*, or unions of families, which were the primitive sub-divisions of the Dorian race. This Council may even have ante-dated royalty, and have been a relic of that early period when the men of gray hairs and distinguished deeds met together for deliberation and judgment. The senators were chosen by the freemen in assembly. The office was for life, and no one under sixty years of age was eligible. When a vacancy occurred, which could not have been often, the candidates for the office, who, it may be assumed, belonged to the *obé* which had lost its representative, presented themselves before the citizens. As each competitor stepped forward the applause which greeted him testified the extent of his popularity. In an adjoining building several persons were stationed who could hear the plaudits without seeing the candidates, and he who was most loudly cheered was judged by them to be the choice of the people. As the office was for life, and there was no method provided for bringing an unfaithful senator to justice, the senators were virtually irresponsible. It appears to have been considered that an honorable record, the nearness of death, and the natural desire to leave an unstained reputation to their children, were sufficient guarantees against a betrayal of trust; but the experience of the Spartans was no exception to that of humanity in general, and her wise old warrior statesmen were accused of yielding to the temptations of money, and of being unduly influenced by the ties of family and of friendship.

The Council possessed legislative, executive and judicial functions; in it was vested the power of initiating changes in the government and in the laws, and all propositions were deliberated upon and approved by it before being submitted to the popular assembly. The Council exercised a censorship of the lives and habits of the citizens, inquired into heinous cases of crime, and punished offenders with death or with civil degradation. No written statutes restricted or guided the action of the Council, who doubtless deferred, however, to ancient usage and precedent. The Council was, in its executive capacity, a standing inquisition, watchful over the internal affairs of Sparta, and exercising an authority as undefined as it was unquestioned.

All citizens over thirty years of age, and in full enjoyment of civic rights, were entitled to take part in the *Ecclesia*, or general assembly, but none, except the kings and other high magistrates, had the privilege of addressing the people without being called upon. The assembly declared war, concluded peace, authorized and elected the magistrates and priests, decided upon disputes regarding the succession to the throne, approved or disapproved proposed amendments to the constitution and the laws, and confirmed or rejected the decrees of the Senate. Voting was by acclamation, the citizens deciding by a simple aye or no upon the measures laid before them; and the presiding magistrates were subsequently authorized to stop the proceedings should the assembly attempt to amend a proposition submitted to its verdict. Thus, although the assembly was in theory the sovereign and ultimate court of appeal, yet its powers were so hampered and restrained that in effect it was dictated to and controlled by the aristocracy of old age, merit and distinguished reputation, which dominated over kings and people alike.

As inequality of property was probably the main cause

of those grievances which Lycurgus was empowered to rectify, so the division of land in lots among the Spartans and the provincials may be assigned to that legislator. From the period of the conquest the Dorians of Laconia had been like soldiers in camp. They did not intermingle with the subjugated race, who were far more numerous than their conquerers, and they denied to that race even the least share of political privileges. It was essential to the security of a State so singularly situated that the citizens should be a compact, well-drilled body of warriors, able to inspire awe and obedience in their subjects, as well as to repel foreign attack. Such a citizen-army could not be maintained if the freemen composing it were dependent upon their daily toil for food, and liable to the distractions and dissensions inseparable from a life of labor or of traffic. It was the evident aim of Lycurgus that the Spartans should devote themselves to military duties. With this view he apportioned to each family a quantity of land sufficient for its frugal subsistence. Helots were charged with the cultivation of the soil, and with the burden of supplying a fixed quantity of produce to their Spartan masters, who were thus removed above the dread of want. The estate thus allotted was indivisible and inalienable, and descended to the eldest son, and, in default of a male heir, to the eldest daughter. If the owner of an estate was childless, he was required by law or by custom to adopt some person as an heir, and as adoptions and the disposition of heiresses were within the special jurisdiction of the kings, those magistrates were, it may be presumed, careful to keep up, as far as possible, an impartial distribution of property. It is a noteworthy fact that, although celibacy was treated as a crime, and barrenness was ground for a divorce, Sparta never suffered from over-population either

of males or of females. This may, perhaps, have been owing to the severe training to which females were subjected in the tenderest period of their life, which training, while it hardened their muscles, may have injuriously affected their reproductive powers.

At the age of seven the Spartan boy was taken from his mother's care, and enrolled in the troops and classes. His education was chiefly directed to the development of activity and hardihood of body, and to inspiring in his mind obedience, temperance, and invincible courage. He saw before him in the despised objects who wore garments of patches and shreds, who were shunned by male and female citizens alike, whose gray hairs received no reverent recognition, and who might be insulted and even struck with impunity, examples of what his fate would be should he prove a cowardly recreant in battle, and choose dishonor in preference to death. The Homeric poems and the martial lays of Tyrtæus stirred in his soul an ambition for the mad, frenzied joys of war, through the glories and dangers of which lay the avenue to a seat in the Council with the kings. He learned to endure pain without a groan while standing on the altar of Artemis and bearing the blows of the cruel lash, and in secret excursions among the helots he hardened himself to manslaying by sending the dagger home to the heart of the slave whom Spartan policy had doomed to die. The youth was taught to pay due reverence to his superiors in age, as he was himself obeyed by those younger than he, and all were bound to show filial respect to the man advanced in years, even although he had not attained a seat in the Council of Elders. From his twentieth until his thirtieth year the young man performed military service in the frontier garrisons, or in the field, if war existed and there was a demand for soldiers. From his thirtieth year

he was endowed with full civic rights, and could appear in the assembly, and eat at a public table among the freemen.

If Lycurgus did not found the institution of public meals, he evidently saw how important that institution was to the maintenance of the social and political unity of his martial State. Not even the kings were exempt from attendance at the common mess, except when performing some priestly function, or indulging in the excitement of the chase, and then a portion from the sacrifice, or the spoil of a successful hunt, was accepted as an apology and an atonement for absence. Each mess consisted of fifteen persons. Vacancies were filled by ballot, and no new member could be admitted without unanimous consent, the object of the legislator being to make the meals the occasion of pleasant and fraternal intercourse, instead of an obnoxious and disagreeable duty. The fare, though frugal, was not unpalatable, and the black broth if properly seasoned, might have resembled mock turtle soup. Each member contributed monthly a portion of flour, wine, cheese, figs, and something in money for extras, and the victims of sacrifice and of the chase went to the common table. Every person was supplied with a cup of wine, which was replenished at request, but intemperance was prohibited both by public opinion and by law. The polemarchs, or commanders of divisions in the army, superintended the tables, a fact which indicates the military nature of the institution; and the members of a mess were usually members of the same military company.*

*The custom of public meals was not peculiar to the Spartans; but was common also to the Dorian colonists of Crete, to the Carthaginians, and to at least one nation of southern Italy. The Cretan institution differed in essential respects from the Spartan, but more especially in the hospitality extended to strangers. In every city in Crete were two public buildings, one for the lodging of strangers, and the other a common hall for citizens. In the latter the public repast was spread, and

The whole body of citizens of military age was divided into six divisions, and each division was sub-divided into smaller bodies resembling battalions and companies. The unmarried citizens, and also the married ones, for some time after marriage, slept in the public dormitories, and were regularly drilled in military tactics, the drill sometimes being in the form of the Pyrrhic, or war dance, in which young and old took part. When it was necessary to levy a force of men for an expedition, the kings (at a later period the ephors) proclaimed the class of citizens to be called out—as, for instance, those between twenty and thirty years of age, or between thirty and thirty-five; but, whatever the number of the levy, the troops were always arranged in their respective divisions, a proportionate number of provincials and of slaves being attached to each division. The strength of the Spartan army was the heavy armed infantry, the arms of each man being a long spear, a short sword, and in the upper part of the hall were two tables for the entertainment of visiting guests. The meal began with prayer and libations to the gods. Each adult citizen received an equal share, except the Archon, or Master of the Tables, who was honored with a four-fold portion; but the wants of the stranger were supplied even before those of the Archon. The management of the tables was in charge of a female of free birth, who had several male assistants, and each assistant was attended by two menials. On each table was placed a cup of mixed wine, from which the messmates drank. At the close of the repast this cup was replenished, but intemperance was strictly prohibited. Youths under eighteen years of age accompanied their fathers to the tables, along with the orphans of dead citizens. In some places the youngest orphans waited upon the men, and in others all the boys acted as waiters. When not thus engaged the boys sat near their elders upon a lower bench, and received a portion of food according to their age. The boys, like the men, had a cup of mixed wine in common, but it was not replenished when empty. During the meal cheerfulness and gaiety prevailed; but at its close the conversation turned upon affairs of State and the deeds of illustrious men. The boys stood ranged in classes, while listening to the remarks of their elders. See Article "*Syssitia*," in *Smith's Dictionary of Antiquities*.

a large brazen shield which covered the body from the shoulder to the knee. When the army was on the march the shield was borne by a helot, but every soldier was required to carry his own spear, as a precaution against treachery on the part of the slaves. The Spartans went into battle in the dense array of a phalanx, their bodies covered by their shields, and their long spears protruding. The phalanx varied in depth from eight at Mantinea to twelve at Leuctra. The cavalry, of whom not more than one hundred were attached to each division of infantry, guarded the flanks; and the light-armed troops, who were helots, skirmished in front, or awaited the signal to pursue the enemy, should the latter be defeated. The regular soldiers were forbidden either to strip the slain or to follow up a flying foe. The polemarchs and other superior officers did not head their several commands, but remained in a body near the king, or general in-chief, ready to receive his orders and transmit them promptly to their subordinates. Each officer gave the word of command to the officer next in authority, and in this way it was transmitted with incredible rapidity, even the soldier in the front rank directing the man in his rear. Thus the army moved with machine-like uniformity, and a compact front was always presented, from whatever side an attack might come.

The helots were probably the original rustic population of Laconia, found in an inferior and servile condition when the Dorians invaded the Peloponnesus. They were serfs attached to the soil, and were the property of the State, which might manumit or destroy them at will. Of course the owner of a landed estate was for the time being the master of the helots upon it, but he could not sell or dispose of them. In order to understand properly the policy of the Spartans toward their slaves it is necessary to remember the

fact already set forth, that the helots were the property of the State, and also the fact that, like their lords, they were of Hellenic blood and natives of the soil. There is no historical evidence that in the time of Lycurgus the helots were otherwise than tolerantly treated, or that the legislator contemplated as a part of the system of which he was the organizer the perpetration of the horrible cruelties recorded by Plutarch and Thucydides. Yet the *crypteia*, or secret assassination of helots, appears to have had such an ancient origin that Aristotle considers it one of the institutions of Lycurgus. The derivation of the word from *crypto*, to conceal, indicates plainly the nature of the practice, whatever its origin may have been. It seems to have been intended to serve the same purpose as the gladiatorial arena in the latter age of the Roman commonwealth—the ridding the community of dangerous and rebellious slaves, and at the same time inuring the citizen youth to scenes of bloodshed and death. It is not improbable that Lycurgus may have founded the *crypteia* in this form, though it might have existed even before his time, and have been introduced from Egypt, where the slaughter of the male children of the Israelites by order of the Egyptian king was a more atrocious example of the same inhuman custom than even Spartan history affords. That the Spartans would deliberately and indiscriminately cut off members of their servile population is incredible. The helots were indispensable to the existence of the State; they were an integral part of the structure built by Lycurgus, and must have been linked to their masters by those ties and associations which are more apt to be fostered by slavery than by free labor. A helot who toiled diligently on the farm, and was a faithful armor-bearer in war, and never seemed to have aspirations above his condition, must have been a valuable piece of property, whose

wanton destruction the State could not have permitted. On the other hand, the restless, sullen, malcontent helot, whose looks indicated the workings of his mind, was a chattel of which the State, in self-protection, felt obliged to rid itself. The duty of destroying slaves marked as dangerous was assigned to the younger citizens, with the view, as already mentioned, of accustoming them to bloodshed, and also, perhaps, because the killing of an unarmed foe would have been distasteful to veteran soldiers. It needs no argument to establish that a custom which legalized secret assassination must have been frightfully abused. We may readily suppose that when daggers were placed in the hands of those young Spartans, and they were told to go forth and lie in wait for an opportunity to kill obnoxious slaves, other victims fell beside those whom the State desired to see die. Yet the *cypteia* did not appear in its most cruel aspect until subsequent to the second Messenian war, when, after a heroic struggle of about seventeen years' duration, the conquered Messenians were reduced to the condition of helots. These Messenians were, like the Spartans, of Dorian ancestry; and their servitude was embittered by the remembrance of their freedom, and by the thought that they were enslaved to a State of which Messenia had been the rival and the equal. Naturally a deep antagonism existed between the masters and the serfs, and the former maintained a jealous watch over the latter. The songs of Tyrtæus reminded the Spartan youth of the straits to which their country had been reduced by the Messenians, and kept alive their hatred of the conquered and subject nation. The captives were treated with a severity which seemed to be inflicted with the purpose of breaking their spirit and of extinguishing within them every spark of manhood. Even valiant service in the field rather heightened than alleviated

the suspicion with which the Messenian helot was regarded, and, on one occasion, two thousand slaves who had specially distinguished themselves in the Spartan armies were first liberated and then privately put to death.

The *Periæci*, or provincials, occupied a middle position between the Spartans and the helots. They were probably descendants of those Achæans of the better class who had preferred to remain in their native land under Dorian rule, rather than emigrate. They were denied a voice in the direction of public affairs, but in their own towns they were self-governing. The provincials were as indispensable to the existence of the system organized by Lycurgus as the helots. The provincials carried on all the manufactures, trade and commerce of the country, and furnished the Spartans with clothing and arms, and the various products of skilled labor. Some of the provincials earned distinction as workers in brass, and many of them grew wealthy in commercial pursuits. The Spartans relied confidently upon their fidelity, and they were not only admitted on equal terms to the armies, but sometimes intrusted with naval commands. It is evident that, if there had been any wide-spread and rankling hatred of the dominant race among the provincials, the latter could more than once have attempted with every prospect of success, the overthrow of their rulers. On the contrary, the provincials appear to have been sincerely attached to the State, and the part taken by some of them in the outbreak of 464, B. C., is no proof that disloyalty was prevalent or general. In not a few respects they had the advantage of the Spartans. They were not subjected to a severe course of military training; they were spared political agitation and excitement, and they were allowed to accumulate and enjoy riches. They were under the protection of a stable but not a tyrannical government,

they shared in the glory and aggrandizement of Laconia; and their homes were secure from devastation by a foreign enemy.

Although the aim of Lycurgus apparently was to establish a perfect equality of all citizens (the royal houses excepted), with no distinctions save those of age and personal merit, the practical effect of his institutions was to create an aristocracy. Had all real property been held by the State for the benefit of all, equality of wealth, or rather of poverty, might have been maintained, but the extinction of families by war and by natural causes brought about great inequalities in the ownership of land. The prohibition of commercial pursuits, and the recognition of iron as the sole legal currency, were but slight barriers to the accumulation of riches by those who were inclined to be sordid. As no person could be admitted to a mess without the unanimous consent of all the members, those who belonged to families which on account of pre-eminence might be called aristocratic, were able to suit themselves in choosing their companions of the dining table, and their messes grew to be social and political clubs, with an oligarchical tendency. There is much diversity of opinion both among ancient and modern authors as to whether the ephors, who, about one hundred and fifty years after Lycurgus, became a power in the Spartan State, were the representatives of a select and exclusive patriciate, or of the multitude of ordinary citizens. I am strongly inclined to the former view. The experience of Athens, of Rome, of Venice and of England has shown that the primary weakening of monarchical authority is an aggrandizement, not of the people but of the aristocracy, and Sparta's experience was probably no exception to the rule. Cicero compares the ephors to the tribunes of the Roman commons. I think they bore a much closer likeness

to the Venetian Council of Ten. Like the Council of Ten, the ephors exercised a rigid supervision over the sovereign, while they carefully guarded against any extension of popular privileges, and the degradation to which they subjected the kings has no parallel save in the humiliation of the doges by the chiefs of the Venetian nobility. The ephors seem to have been originally magistrates who tried civil controversies of an important nature, and who had as their name—overseers—signifies, a general oversight over the lives and conduct of citizens. Their number, five, probably had a relation to the five quarters of the city of Sparta. They were elected annually, and entered into office at the autumnal solstice, the leading ephor giving his name to the year, which was called after him in all civil transactions. From being mere civil magistrates the ephors gradually became invested with almost dictatorial authority over every department of the State. They possessed jurisdiction over every crime except high treason, which was tried by a court convened for the occasion, in which the ephors had both seats and a voice. They might institute scrutinies into the conduct of magistrates, and even summon the kings before them, and might suspend, accuse or imprison any public officer, including the kings. Once in every month the kings made oath before the ephors, binding themselves to rule according to law, and the ephors engaged to maintain the royal dignity inviolate, if the kings proved faithful to their obligation. It was one of the duties of the ephors to supervise even the domestic affairs of royalty, and to insure the purity and perpetuity of the Heraclides. They could impose fines, with or without trial, and exact immediate payment of the penalty, and there was no law to control their action except their own will and judgment. The public assemblies were called, and the proceedings regulated by the

ephors, who also granted audiences to foreign envoys, sent out ambassadors, decided on military expeditions, allotted the number of troops to be employed, and nominated their commander. The latter was bound to obey them, and addressed his dispatches to them; and they could recall the general and have him tried for disobedience or misconduct. They restrained (B. C., 410), by the appointment of ten councillors, the discretionary power which the kings had until then enjoyed respecting the operations of the campaign while in the field, and shortly afterward two of their number accompanied the king on military duty. Jealousy between the royal families prevented a union against the encroachments of the ephors, and the kings became their devoted tools, and rivals for their favor. When the ephors passed the kings rose in deference to them, while the ephors remained sitting, even in the royal presence. The affairs of State which required popular consideration or consent were not submitted ordinarily to the whole body of citizens, but to a select number, probably of the aristocratic class.

III. While the institutions of Lycurgus were yet in their infancy, and youthful Sparta was training for a career of conquest, other States of Greece underwent important social and political changes. The Achæans who emigrated rather than submit to the Dorian yoke, drove the Ionians from the north coast of the Peloponnesus, and there founded twelve cities, which were governed by kings, and were bound together by a league, chiefly of a religious nature, but also for mutual defence and protection. This confederacy, which in the decline of Greece became famous and powerful, and even dared to defy the armies of Rome, exercised but little influence in earlier times, though its very existence may have served to guard the members from wanton attack. The Ionians expelled by the Achæans took refuge in Attica,

where their arrival may have served to bring about the revolution attributed by tradition to Theseus.

The Bœotians, forced by the Thessalians to abandon their ancient seats during the same century that witnessed the Dorian emigration, took possession of the country afterward known as Bœotia, and, within a territory about as extensive as Rhode Island, founded fourteen independent communities. These communities, or petty States, constituted, in the historical period, a confederacy called the Bœotian League, of which Thebes was the head, that city and its dependencies including about one-third of Bœotia. Each State had its senate and its general assembly. An archon presided over the senate, although his functions appear to have been more of a priestly than of a civil nature. The official next in rank to the archon was a polemarch, who was not, however, a commander in war, as his title indicates, but was a civil magistrate. It is not improbable that when royalty was abolished an archon was elected as the successor to the king in his capacity of priest and president, and a polemarch was chosen as commander-in-chief of the military forces of the State; and afterward, when the League became consolidated, and the States surrendered to their federal representatives the right to make war and command armies, the functions of the polemarch were changed, but the title was retained, both out of a regard for its antiquity, and because its existence was an evidence that the State had exercised and was capable of again assuming the highest prerogative of sovereignty. The polemarch directed the levy of the troops which each State furnished to the confederate army, which fact goes to show that before the existence of the confederacy the troops were under the polemarch's command. The confederacy was divided into four districts, each represented by

a Council, though on occasions of grave importance the four Councils met together. The Bœotarchs were the executive heads of the League. Each State elected one Bœotarch, and the Thebans two. A Bœotarch held office for one year, and might be punished with death, if he attempted to prolong his legal term of service; but a Bœotarch might be re-elected without an intermission of private life. The Bœotarchs led into the field the troops of their respective States, and when engaged in military duties formed a council of war, the decisions of which were determined by a majority of votes. The council was presided over by one of the Theban Bœotarchs, who took turns in command of the army. The Bœotarchs formed alliances with foreign States, received the reports of ambassadors, and negotiated with envoys from abroad. They acted, in fact, as representatives of the confederation. There was also an archon, or president of the confederacy, whose name was affixed to treaties and compacts which bound the whole body of confederates; but the assent of the four Councils was required to validate the action of the Bœotarchs in affairs of a general nature.

Another league, more ancient than the Bœotian, was that of the Ætolian tribes. The members of the league acted in concert in negotiations with foreign States, and opposed a united front to hostile aggression; but the confederacy, like the Achæan, did not figure prominently in Grecian affairs until a late period.

Political and social systems differed widely in the different Grecian States. Where victorious invaders formed, as in Sparta and Argos, a separate and distinct class from the conquered, the former were on a nearly equal footing with each other, and the king was little more than the first of the citizens. Where the old and new inhabitants mingled

together, and there was no inferior and despised race, the poorest people, such as the laborers for hire, occupied the lowest position, while between them and the throne were small land-owners, and the rich and martial aristocracy. The nobles were restless in their efforts to diminish the power and prestige of the sovereign. In a few States the shadow of royalty long outlasted the substance, and the title of king was retained while the government was in fact oligarchical. The latter system, though really more oppressive than monarchy, was a step toward democracy. Loyalty, that invisible rampart of a throne, could not be inspired by an oligarchy, while suspicion and jealousy conspired to make the oligarchs hostile to each other, and odious to the community at large. The commonalty continually growing in wealth, intelligence and resources, could be kept submissive only by a consciousness of the military superiority of their rulers, and a serious reverse in war, as when the Argives were defeated by Cleomenes, was sure to be followed by a demand for, and an accordance of civic privileges. The overthrow of an oligarchy was not unfrequently followed by a tyranny, which is described by Thirlwall as "the irresponsible dominion of a single person, not founded on hereditary right, or on fair election." The tyrant may not have been a tyrant in the modern sense of that term. He was usually, like Cypselus of Corinth, a champion of the popular cause incautiously intrusted by the people's gratitude or confidence with the power that enabled him to become a usurper. Tyrants seldom interfered with the regular forms of election and administration, but were careful to see that the offices were filled by their friends. They did not court odium by an outward display of authority; but they kept within reach an armed force, either of mercenaries or of trustworthy adherents, to quell

any attempt at insurrection. Some of them left enduring and creditable monuments of their despotism in the shape of useful and ornamental public structures, while others made their names infamous by cruel excesses. None of them — as far as we know — established a permanent dynasty, and sooner or later the government was restored to a legitimate form.

In the mountain-girded plain of Thessaly a few great families succeeded to the power which had been exercised by the kings, and lived in the princely fashion of barons of the Middle Ages. Their vast domains were cultivated by the *Penestæ* (laborers), descendants of the old inhabitants, who had been reduced to slavery when Thessaly was conquered from the Bœotians. The *Penestæ* were, like the helots, serfs attached to the soil, but unlike the helots, they were the property of the owners of the soil, and not of the State. Their lot depended, therefore, very much upon the temperament and disposition of their lords. Some of them were treated like vassals, and followed their masters on horseback to battle, but the general idea prevalent among the ancients that they were a degraded, despised and oppressed race must have had a foundation. Probably their condition nearly resembled that of villeinage in England, under the Norman kings. The provincials of Thessaly, who, like the provincials of Laconia, had no voice in the general government, might be compared to the inhabitants of towns in England, during the early Norman period, who, although free and allowed to carry on trade and commerce, were not permitted to interfere in affairs of State. The Thessalians were united in a loose confederation. The country was divided into four districts, and the general affairs of each district were administered by a provincial council. The confederacy served to keep up a connecting link between

the ruling families, and made Thessaly formidable. In time of war a military chieftain was elected, known as a *tagus*, who had supreme command over the armed forces of the confederacy, and whose orders were obeyed by the districts. The functions of this magistrate terminated with the occasion which had called for them.

CHAPTER III.

THE INSTITUTIONS OF SOLON.

Part I.—The Primitive Communities of Attica—An Obscure Political Revolution—The State Ruled by an Oligarchy of Birth and Wealth—Deplorable Condition of the Small Property-owners—Growth of a Popular Party—The Draconic Code—Solon Called Upon to Act as Arbitrator and Lawgiver—Partial Cancellation of Indebtedness—The Constitution Established by Solon—The People Divided according to their Property—The Lowest Class Allowed to Vote, but excluded from Office—The Burdens and Honors of the State borne by the Wealthy—The Senate of Four Hundred—The Areopagus—The Archons—Assemblies of the People—The Heliaëa—Qualifications for Citizenship—Training of the Athenian Youth—Forfeiture of Civil Rights—Resident Aliens—Admission of Foreigners to Citizenship—Slaves and Freedmen—Legislation in Regard to Women—The Greek Ideal of Perfect Womanhood—Condition of Women in Athens—Mistresses and Prostitutes—The High Position held by Some Mistresses—Laws in Regard to Inheritance and Guardianship—Revision of the Laws Provided for.

Part II.—The Usurpation of Supreme Power by Pisistratus—The Tyrant Expelled and Reinstated—Effect of his Rule upon the Commonwealth—Hippias Driven out of Athens—Important Changes in the Constitution—Organization of Ten Tribes Based upon a Territorial Division of the State—The Demes, or Townships—Local Self-government in the Demes—The Old Tribes—The Athenian Army.

I. Attica, the region of which Athens was the royal seat, was occupied at a very early period by a number of semi-independent communities, connected with each other by ties of kindred, religion and language. These communities

became congregated into four tribes, of whose nature and constitution we know nothing. About the time of the Dorian descent from the highlands and successful irruption into the Peloponnesus, an important revolution was achieved in Attica. Athenian traditions attribute the work to Theseus, a legendary hero, whose character and exploits, as described in mythology, were utterly incompatible with a knowledge of statecraft. The story about Theseus is supposed to be a distorted version of the facts, which probably were that a band of Ionians, driven from their native seats by the Achæans, infused new blood and new life into Attica, and caused a thorough reorganization of the social and political system. The people were graded as nobles, farmers, and common laborers. This change, it may be presumed, was not violent, but a systematization of distinctions already existing. Athens was made the rallying point of population, and the residence of the nobility as well as of the sovereign. It is not likely that the nobility were compelled by a mandatory edict to remove to the capital, but rather that their presence was requisite in order that they might give council and assistance to the king. As these events occurred before the date of authentic Grecian records it is impossible to ascertain to what extent the revolution was carried, and when those institutions were formed which we find in existence when history becomes separated from myth. It is known that after a time monarchy was abolished, and kings were succeeded by hereditary archons, who held office for life. The nobles gradually arrogated the whole power of the State, and established an oligarchy. The archonship was made annual, and the duties of the position were divided among nine persons nominated, of course, from the privileged order. The nobility were probably represented in a Senate, or Council, which met at regular

intervals, and the whole body of the ruling class appear to have convened in assembly on occasions of general importance. The ancient and venerable court of the Areopagus probably had jurisdiction over capital causes, as in later times, but it is said that the important magistrates known as "kings of the tribes" also tried accusations of murder and treason. It is reasonable to suppose that the constitution of the Areopagus, previous to Solon's legislation, was not very different from that established, or rather confirmed, by him. None could have been better fitted to be members of that high tribunal than retiring archons experienced in judicial duties, and of such it was, no doubt, composed. Ordinary offenses were probably tried by the archons, and homicides alleged to be justifiable or accidental were within the jurisdiction of certain peculiar courts composed of elderly noblemen, the duty of one court being to pass judgment upon inanimate things which had destroyed human life.

The tribes were divided, as in the Homeric era, into *phratræ*, or fraternities, each tribe being divided into three *phratræ*, and each *phratræ* into thirty collections of families, similar to the Roman *gentes*. Membership in a *phratræ* was evidence of citizenship, but it is unlikely that the poorer citizens, who were allowed no share in the management of affairs, took much care to maintain the legal proof of their Athenian ancestry. Community of worship served, however, to keep the members of a *phratræ* united, and among the well-born oligarchy purity of descent must have been cherished and guarded as the passport to political power. For purposes of taxation and of military organization, the State was divided into forty-eight *naucrariæ*, or districts, the word being derived from *nao*, "to dwell."

The nobility not only held all the offices, but were

absorbing all the property in the State. The commerce of Athens was not yet of sufficient importance for the class engaged in it to be respectable, so that there was no formidable civic population between the oligarchy and the tillers of the soil. The small land-owners were burdened with mortgages, and debtors who could not pay were thrown into prison, and even sold into servitude. Homes were broken up, the members scattered abroad, some as slaves, and others as homeless wanderers; and the field which had supported the humble farmer was added to the domain of the wealthy lord. Such grinding oppression could not but arouse bitter resentment, and the inhabitants of the coast, who eked out a living by fishing and piratical excursions, and who were less within the grasp of the oligarchy than their brethren of the plain, sympathized with the latter. The heavings of discontent grew so threatening and alarming that the rulers tried to terrorize the multitude into submission by the enactment of stringent and sanguinary laws. But harsh measures, instead of subduing, only aggravated the popular party, who were sustained in their demand for reform by sensible and patriotic members of the privileged order. At length all agreed upon the appointment of Solon, an eminent citizen descended from the ancient kings of Attica, to remedy the existing evils, and frame a new system of government.

Solon had won the esteem and gratitude of his fellow-countrymen by his success in pleading their cause before the five Lacedæmonian commissioners appointed to arbitrate upon the claims of Athens and of Megara to the island of Salamis. He was not only noble, but also wealthy, and a creditor to a large amount, when he accepted the grave trust confided to him by the people. Solon was, above all, a patriot; and he was even willing to descend to doubtful and

repugnant devices to advance the dominion and promote the interests of his native land. However questionable some of his methods, his purpose was straight and unselfish. In traveling through Attica, his generous soul had been moved by the sight everywhere of the stone posts which marked the mortgaged farm, and gave notice that the tiller of the soil might soon be an outcast, and perhaps a slave.

Solon's first undertaking, after he had been invested with supreme legislative authority, was to wipe out, as far as possible, the past, in order that he might have clear ground upon which to rear the structure of a new constitution. He released lands from their incumbrances, and restored them in full property to their owners. He abolished imprisonment for debt, liberated those who were in bondage at home, and compelled all creditors who had sold their debtors into foreign lands to redeem them, and the debt itself in all such cases was cancelled. In order to further relieve the debtor class, Solon reduced the rate of interest—the reduction being probably made retroactive—and debased the silver coinage. These measures were manifestly unjust to the creditor class, and could only be excused upon evidence that they were imperatively necessary to the salvation of the State, and that public safety demanded a partial sacrifice of the rights of a part of the people. Such evidence is supplied in the general approval with which Solon's course was received and sustained by the moderate men of both the aristocratic and popular factions. "The example of Solon," says Bishop Thirlwall, "cannot be fairly pleaded by those who contend that either public or private faith may be rightly sacrificed to expediency. He must be considered as an arbitrator to whom all parties interested submitted their claims, with the avowed intent that they should be decided by him, not upon the footing of legal

right, but according to his own view of the public interest. It was in this light that he himself regarded his office, and he appears to have discharged its duties faithfully and discreetly." He was as justified in annihilating rights of property, when those rights endangered the existence of the commonwealth, as is the captain of a leaky vessel in throwing part of the cargo overboard in order to save both ship and crew. It is nowhere alleged that any were reduced to indigence by Solon's cancellation of indebtedness; and it may, therefore, be inferred that only the surplus wealth of the creditor class was affected, and that none was deprived of a competence. This may be the more readily assumed from the fact that the Athenians, in the days of Solon, were chiefly an agricultural people, and each property-owner had his estate which yielded him a living and perhaps a profit, and the profits of the wealthy were invested in loans to the less fortunate. So that Solon virtually reinstated every land-owner in his inheritance.

Having thus established comparative concord by effacing the cause of dissension, and lifted up the yeomanry from slavish abjection to manly independence, the law-giver proceeded to found a new system of government for the commonwealth. The constitution framed by Solon was neither aristocratic nor democratic. The object of the legislator seemed to be to allot to the property-owning classes the honors and emoluments, as well as the burdens of State, and to endow the masses with power and influence sufficient for their own protection against oppression. He divided the people into four ranks, according to their property, thus abolishing the distinction of birth as a feature of the political organization. The first class consisted of those who were worth five hundred measures of corn, or other valuable commodity; the second, of those who were able to

keep a horse, or were worth three hundred measures; the third, of those worth two hundred measures; and the fourth, of the *Thetes*, or persons who worked for hire.* The first and second classes were exempt from serving in the infantry or in the fleet except as officers, and were required to keep a horse for the public service, and take the field when called upon. The third class were heavy-armed infantry, and furnished their own accoutrements. The lowest class were required to serve as either heavy or light infantry, and as marines in the navy. The magistrates were chosen from the first three classes only, but the plebeians took part in the popular assemblies, had the privilege of the ballot, and also sat as dicasts in the courts. The tribes, clans and *naucrariæ* were maintained as before, and each *naucraria* was required to furnish one trireme, or vessel of war with three banks of oars, to the navy, and two horsemen to the army. Athens had not previously had a regular navy, and the far-seeing eye of Solon perceived that upon that arm would depend the growth of the commonwealth to empire and greatness. All military affairs were likewise regulated by *naucraries*.

While the lowest rank of citizens was arbitrarily excluded from holding office, there were certain responsible positions, the duties of which would not be properly discharged except by persons of considerable wealth, the expense being compensated for by the dignity and glory attendant upon a creditable performance of the work assigned. Such were the *Theoroi*, officials sent on religious embassies to the Olympian Pythian, Nemæan and Isthmian games. This mission was very honorable and very costly, the chief ambassador being the representative of the State, and expected, there-

* The measure used, a *medimnus*, exceeds a bushel by six pints and a fraction.

fore, to appear in suitable splendor, to wear a golden crown, ride in a magnificent chariot, and be attended by a retinue worthy of the occasion. The office of the gymnasiarchs, or superintendents of the *gymnasia*, in which the Athenian youth practiced athletic exercises, also entailed large private expenditure. This was an appointment of no little authority and responsibility, the gymnasiarchs having a general supervision over the youth of the commonwealth, and being vested with the magisterial jurisdiction necessary to the enforcement of their authority. The lampadarchs managed the national races from which they took their name, and which were run at night by footmen, each of whom held a lamp or torch. In later times horses were used in these races. Another office of more dignity than emolument was that of the *choregi*, whose duty it was to bring out plays, and provide choruses for tragedies and comedies—for in Athens the theatre was a national institution. The duties of the *choregi* were difficult and delicate, for the corruption of youth was so common among the Greeks that parents hesitated to confide their boys to the trainers. The officials charged with the preparation of the tribal banquets, at which the members of each tribe met annually for social and fraternal intercourse, had likewise to pay dearly for the honor of their position. But, notwithstanding the large expense attendant upon these offices, rich men were always ready and willing to accept them, and many Athenians made serious inroads on their private fortunes, and even mortgaged their estates, in order to win applause for generosity and public spirit.

Another burden thrown upon the wealthier citizens was the partial support of the fleet. Although the Athenians devoted much more care and money to the naval than to the land service, the former was subordinate to the

latter; the *strategi*, or generals of the tribes, having the power to appoint the trierarchs—persons charged with the equipment and maintenance of triremes or other vessels of war. Nominally, no burden except responsibility rested upon the trierarch. The State furnished the hull, tackle and equipments, and paid the sailors and marines, and the trierarch was obliged only to return his vessel in good order, allowance being made for damage by the enemy, or by the storms of the ocean. But custom required much more from the trierarch. Rich and ambitious citizens intrusted with the charge of a vessel took pride in having the best sailors and a ship as handsome as any, and a trierarch who confined himself to the State allowance was regarded as mean and miserly. Besides, the better the quality of the sailors and of the equipments, the better the chance for the vessel to return unscathed from the dangers of the sea and of battle. In order to procure good men large bounties were often paid, and much money was expended in extra provisions and compensation. No person of sufficient property, except minors and unmarried females, could obtain exemption from the trierarchy. In the case of a married woman of adequate wealth the husband was called upon to perform the service.

For the council of nobles Solon substituted a Senate of Four Hundred, the members of which were taken from the first three classes, each tribe electing one hundred. The councillors were chosen annually, and no one was eligible under thirty years of age. Solon designed the Senate as a balance to the popular assembly. The people could only act upon propositions laid before them by the Senate, but could modify a proposition before approving it, without sending it back for the assent of the Senate to the amendment. A private individual might also bring a

proposition before the Senate, in order that it might receive legal form and sanction, and be submitted to the popular body.

As an additional bulwark against democratic license Solon greatly enlarged the powers of the venerable tribunal known as the Areopagus. All archons who were, after rigorous inquiry, found to have been punctual and faithful, were installed as members of the court. Any evidence of immoral, or even of unseemly behaviour, was sufficient to debar from admission, and an archon was excluded merely because he had sat down in a tavern. The members of the Court were required not only to be blameless in their lives, but grave in their demeanor. Levity was not tolerated. Justice was dealt out with impartiality, and such was the respect with which the decisions of the Areopagites were regarded, that they were sought as arbitrators by distant States of Greece. In later and corrupt times less care was exercised in the selection of persons to be members of this tribunal, and the deterioration of the Areopagus was contemporary with the decline of virtue and morality in Athens. The Areopagites sat upon questions involving life or death. Incendiaries, traitors and assassins were tried by them, and from their decisions—at least before the time of Pericles—there was no appeal. The Areopagites also acted as censors of libertinism, luxury, and idleness, and were intrusted with the maintenance of the State religion. They were the special guardians of the commonwealth in times of public danger and distress, and their authority in such emergencies was extraordinary and undefined. They met three times in a month, and also when any sudden and important matter demanded immediate attention.

The nine archons continued, as before, to be the chief executive officers of the State. The president, or year-

naming archon, so-called because the year was named after him, was the guardian and protector of those unable to protect themselves, such as heiresses, widows left pregnant, and families who had lost their legal representatives. The second, or king archon, was so-called because he performed those august religious functions which, in the royal period, had been the peculiar province of the monarch. He brought acts of alleged impiety and sacrilege, and serious offenses by or against the priesthood, to the attention of the Areopagites, and sat and voted with the members of that court during the trial of such causes. The wife of the king archon was known as the *Basilissa*, or queen, and, as she was required to act as high priestess in certain religious ceremonies, it was necessary that she should be a citizen of pure blood, without stain or blemish. The polemarch archon was so-called because, in the early times of the commonwealth, he was commander-in-chief of the army. His duties ceased, at a later period, to be military, and he superintended the resident aliens, and presided as judge in the trial of actions affecting that class. The remaining six archons were known as the *Thesmothetæ*, or law-guardians. They supervised the administration of justice, and construed the laws, which were in their keeping. They likewise revised the laws annually, suggesting such amendments as seemed to them proper, and their report was submitted to the people, and, if approved, referred to a special committee intrusted with the duty of altering the laws in accordance with the recommendations. The *Thesmothetæ* were the chief criminal magistrates, and also acted as a Grand Inquest, investigated accusations of crime, and prosecuted offenses of a public nature, especially treason, bribery, and misappropriation of funds belonging to the State.

Assemblies of the people were held regularly once a

month. Citizens who neglected to attend were subject to a fine. The crier called on all above fifty years of age to speak first, but any citizen might address the people after his twentieth year. From the mass of voters was selected a body of six thousand, known as the *Heliæa*, or assembly, to whom was intrusted the scrutiny of the lives and conduct of persons nominated to be magistrates, the trial of crimes against the State, more especially those of a political nature and breaches of trust by public officers, and the general duty of maintaining the integrity of the constitution, and the liberties of the commonwealth. Like others of Solon's institutions, the Heliastic assembly subsequently became perverted from the form and purpose intended by the lawgiver, and, while retaining its extensive political jurisdiction, assumed judicial authority over all important civil and criminal causes, except such as were within the time-honored province of the Areopagus.

Citizenship depended essentially upon being born in lawful wedlock of parents who were themselves both citizens. Every newly married woman, herself a citizen, was enrolled in the tribe of her husband, and every infant was registered in the tribe and clan of its father. The person who presented a child for registration was obliged to attest its legitimacy on oath, in the presence of the assembled tribesmen, who might nullify by their votes any protestations to the contrary. The offspring of a mother who was not a citizen were in later times admitted by dispensation. Foreigners upon whom citizenship had been conferred were still excluded from the tribes, and could not hold the offices either of archon or of priest; but their children, if born of women who were citizens, gained access to tribal privileges by being enrolled in the tribe of their maternal grandfather.

The training of an Athenian boy began generally with

the sixth year, at which time he was taken from the custody of the females of the household, and placed in charge of a trusted servant, who accompanied him everywhere, guarded him from evil, and even watched over him at school. Education was not national in the sense of being supported by the State, but the ordinary schools were within the reach of the poorest citizen, and every head of a family was obliged to have his sons taught to read and to swim, and also instructed in some useful occupation; otherwise they would not be required to support him in his old age. The masters of schools lived upon the fees received from their pupils. Instruction began early in the morning, and was divided into three branches: letters, including reading, writing and arithmetic; music, which comprehended poetry, eloquence and the liberal arts, and physical exercises. If heir to a fortune, the boy received instruction from the best teachers in all branches of learning; if of low estate, his opportunities for acquiring knowledge were proportionately moderate. Up to the age of sixteen the care and training of the boy was left entirely to his parents or guardians, but after that age the State appears to have compelled attendance at the athletic exercises in the gymnasia. Solon's laws forbade the admission of adults while the boys were at their exercises, but this wholesome regulation was disregarded in later and more licentious times. Women were strictly excluded. The gymnasia opened at sunrise, and closed at sunset, and the exercises consisted in running, wrestling, boxing, ball-playing, and various trials of strength.

Youths were admitted to citizenship about the age of eighteen. On receiving his armor the young man took an oath that he would never do anything to disgrace it; that he would never fly from his post, or revolt from his general; that he would defend and maintain the constitution and

laws of the State, and the national religion, and, should occasion require, lay down his life for his native land. He was from that time of legal age, and might marry, enter upon his patrimony, and appear before courts of law. He might also be required to do military duty in the fortresses of the coast or of the frontier; or, if in time of war, then anywhere that the State needed his services. On reaching his twentieth year the young man was fully invested with all the rights and privileges of ordinary citizenship, and might vote and speak in the public assembly. Until sixty years of age he was liable to be called upon for military duty.

By the strict letter of the law every one who falsely asserted his citizenship became the property of the State as a slave, but he might appeal from the sentence to the general assembly. A citizen forfeited his rights by bribery, embezzlement, cowardice, perjury, neglect of parents, insults to public officers in the discharge of their duties, partiality in arbitration, prostitution, and similar offenses. The guilty person became politically dead. A citizen could also be partially deprived of his rights, as when a vexatious litigant was prohibited from instituting a particular suit, and public debtors were suspended from citizenship until their obligations were discharged.

Metics, or resident aliens, were very numerous in Athens. By the laws of the State they were not able to inherit landed property, and each was obliged to select a citizen as his protector. The protector was security to the State for the alien's good conduct, and acted as his representative, at least in form, in public and private transactions. The State, for the annual tax of twelve drachms for a whole family—only six from widows—allowed aliens to exercise the same professions and trades as the citizens. Aliens forfeited the protection of the State, and were sold as slaves only when

they assumed the peculiar privileges of actual citizens, omitted to pay the tax, and, probably, if they neglected to choose a patron. They bore their share of all extraordinary burdens and changes to which citizens were subject, and were bound to perform the same military duty. The *Isoteleis* were a privileged class of alien residents, raised to an equality with the real citizen in his private capacity, and bearing an equal share of taxation—hence the name—but not admitted to the exercise of political rights. Athens also granted by special agreement, as well to whole districts and cities as to individuals, the rights of intermarriage and of possessing landed property in Attica, safe conduct in war and in peace, by sea and by land, and other privileges and immunities, some of which, such as exemption from tolls and customs, not even citizens enjoyed indiscriminately. The admission of individual foreigners to full citizenship was at all times a very common occurrence, and increased eventually to such a degree as to become pernicious. In strictness only real services to the State entitled to the honor; the candidate was proposed in two successive public assemblies, at the second of which it was necessary that six thousand citizens should give their ballots in his favor, and even then his admission, like every other decree of the people, was open during a whole year to be brought up again for reconsideration and reversal.

Slaves enjoyed no unimportant rights. The murder or wanton ill-treatment of a slave was punished as in the case of a freeman; the slave might also take shelter from his master in the temple of Theseus, and could there claim the privilege of being sold; and he could not be put to death without a previous legal sentence. The owner, however unwilling, was obliged to manumit the slave for a certain sum. The freedman was classed with the resident aliens,

and was bound to honor his former master as a patron, neglect of this duty making him liable to be again sold into slavery.

Solon, while he threw around woman the most ample legal protection, made her utterly and abjectly subordinate to man. As legislation dealing with the relations of the sexes is usually, in free countries at least, not in advance of public sentiment, it may be assumed that Solon's laws restricting the privileges, and defining the position of woman, were in accord with ancient and established precedent, and that his sumptuary regulations were necessary to suppress licentious practices which had grown up during years of anarchy and confusion, and which were not approved by the sober judgment of the nation. Homer, when he wrote that beautiful sketch of Hector, his wife, and their babe,—as true to nature to-day as thousands of years ago,—painted in words the Greek ideal of perfect womanhood,—a faithful wife, happy in her husband's love, and devoted to her children, but entirely dependent upon and subordinate to her husband. Alone, she was the helpless and cherished ward of her nearest kinsman and of the State; married, she was incorporated with her husband, although the State still watched over her, and saw that the husband did not abuse his charge. The development of her mental faculties was, of course, neglected, for neither law nor custom contemplated that she should have any use for knowledge. From her birth to her death she was under guardianship, unless she chose to break through social trammels, and sacrifice civic rights and respectability for independence. If a citizen died intestate, leaving an orphan daughter, the nearest relative became the *curius* of the daughter, and was bound to furnish her with a sufficient dower, and find for her a husband. In the event of a

divorce, it was the duty of the *curius* to recover the dower, or its equivalent, from the husband, even when the separation was owing to the fault of the wife; and in case of death, to recover from the husband's representatives. If there were no close relatives, the next of kin had a right to marry the woman, and take her inheritance, great or small, and this right is said to have been stretched so far as to justify the seizure of a woman from the husband to whom she had been united during the lifetime of, and with the consent of her father. A man might marry his father's daughter by another mother, but a guardian could not marry the mother of his ward. If the nearest of kin was unwilling to marry the orphan, and her dower was insufficient to make her a desirable wife, the kinsman was required to supply the deficiency. If an heiress had no near kinsman, the archon selected a husband for her. These regulations did not affect the non-property-holding class, who had no dower to bestow, and no rich relatives to look to, and who married and gave in marriage according to their inclinations.

The choice of a wife could hardly have been grounded on affection, as women of a respectable character were kept too secluded for the Athenian youth to have much opportunity to form a judgment of their attractions of form or of intellect. Acquaintanceship usually followed marriage, and frequently, as might be expected, did not result in mutual satisfaction. Betrothal was indispensable to the legal perfection of the marriage contract, otherwise the issue of the union, it would seem, possessed no rights of inheritance. A wedding, among the wealthier class, was celebrated by religious ceremonies and sacrifices. The bride was conveyed to her husband's house in a chariot drawn by a pair of mules or oxen, the husband on one side of her, and

a near friend of his on the other. Both bride and bridegroom were decked in their best attire, and torches and the music of flutes enlivened the procession. The bridegroom's mother, carrying a lighted candle, conducted the bride into the house. A nuptial feast followed, to which women, as well as men, were invited; but the women sat at a separate table, with the bride veiled among them. The wife's duties were to superintend the servants, provide the meals, and take care of the furniture, besides attending to the children. Mothers generally suckled their infants, but wet nurses were sometimes hired. The women occupied separate apartments in the house, and were expected to confine themselves to those apartments. To go abroad without the permission of the husband was considered a breach of decency.

The State did not relax its watchful care of woman, even while she had a husband, and any Athenian citizen might bring an action to protect a wife against a husband's cruelty, and the archon was specially intrusted with power to interfere on behalf of maltreated wives. A wife was not, however, justified in leaving her husband, even although she had absolute proof of his infidelity, the Athenian law, like that of England, regarding adultery by the husband as a minor offense, compared with adultery by the wife, as the former could not affect the legitimacy of offspring, the production of citizens of pure descent being, in the Athenian view, the main object of the matrimonial contract.

The society of mistresses and prostitutes was much sought by the men of Athens. The better class of mistresses were far from being proscribed or despised, and even the lowest street-walkers were treated with tolerance. An officer was appointed by the State to superintend the prostitutes, and to exact the tax levied upon all who pursued that manner of life. Some of the Athenian mistresses were

highly talented, refined and educated women, and the distance between them and the habitues of vile dens was much greater than that between the queens of the *demi-monde* in this age, and the unfortunate females who flit along low thoroughfares at night. Famous philosophers and statesmen hung on the lips and courted the smiles of Aspasia, Lais and Phryne, and enjoyed in their bright companionship intellectual pleasures which the mothers of their children could not furnish. In the high position held by the females I have named, who, however enchanting their attractions and admirable their mental acquirements, were violators of that moral law which existed before statutes, we see the evil effect of denying to woman equal educational advantages with man.

The common prostitutes of Athens were usually slaves, though many of them were persons who had fallen from a better estate. When an Athenian citizen devoted herself to the traffic, she generally changed her name, and was excluded from the religious and other gatherings of her sex.

Any citizen having no male child alive, and being of sound mind, and not intimidated by, or under the undue control of his wife, might convey his property by will. All illegitimate sons were to share equally in a father's estate. The estate of an intestate leaving daughters only was to go to the husbands of the daughters; but, if there were neither sons nor daughters, then to his brothers by his father's side, and their sons, and the males descended from them; but if no relatives nearer than second cousins on the father's side remained, then the relatives by the mother's side might claim the inheritance. If there were no known kindred on either side, then those having the nearest pretense to relationship could enjoy the estate. Bastards were accounted neither heirs nor kin.

Guardians of minors might be appointed by will, or, in default of such appointment, were designated by law, the archon usually selecting the nearest relative, if such relative was competent for the duty. It was necessary that a guardian should be of the male sex, should have arrived at years of discretion, and be endowed with civic rights sufficient to appear as a plaintiff in a court of law. If the guardian was a resident alien, his Athenian patron attended to his interests before the legal tribunals. It was the duty of the guardian to protect the rights of his ward in all things, and to administer the ward's estate economically and profitably. Money belonging to a minor could be invested only in mortgages, and could not be risked in tempting but perilous speculations, such as loans upon a vessel or cargo, which, compared with the income from real estate, paid a most exorbitant interest. A guardian might also farm his ward's estate to the highest responsible bidder, but could be prosecuted for fraud or irregularity in the contract. Any citizen could institute a public action against a guardian who abused the person, or wasted the property of a ward. Guardianship terminated when the ward was eighteen years old, and an action for maladministration of trust had to be instituted within five years from that period.

Solon was careful to provide both for the revision of the laws at regular periods, and against the hasty adoption of novel and untried methods. It was made a part of the ordinary business of the first regular assembly, in each and every year, to receive propositions for the amendment or repeal of existing laws, and all such propositions as appeared to be sufficiently well-grounded to deserve formal consideration, were referred to a committee chosen by lot from the heliastic body. This committee listened to arguments for and against the proposed measure, and, if

approved, it went immediately into force; but the person who had introduced the law might be held responsible for the way in which it worked within one year from the date of its introduction. The changes in the laws recommended by the *Thesmothetæ*, or law-guardians, were likewise referred to the same committee. The laws were displayed on wooden tablets in pyramidal form, and turning on an axis. At first the tablets were exhibited in the Acropolis, but afterward, for the greater convenience of the people, in the Prytaneum, or city hall.

II. Solon's institutions gave to the commonalty a paramount influence in political affairs. It is true that the privilege of holding the higher offices was confined to citizens of wealth; but as every citizen possessed a vote, and also a right to a seat in the select assembly of the *Heliæa*, none could achieve official honors without the goodwill of the majority. Therefore, in place of the factions of the nobility, whose fierce rivalry, partaking more of the nature of family vendettas than of partisan contention, had formerly rent the State, arose two parties, one the popular, the other the aristocratic, one led by men of good birth and ample means, who were willing to court the multitude for the sake of power, the other composed of those of the higher order, who would not condescend to the arts of the demagogue, and who were determinedly opposed to popular dictation. Pisistratus, a man whose cunning was equalled by his ambition and his wealth, seems to have laid his plans deliberately to make himself the tyrant of Athens. He won the gratitude of the poorer citizens by lavish generosity, and gained their esteem and respect by his aggressive advocacy of their cause. Nor did Pisistratus neglect to attach to himself a select body of adherents who would be ready, when the time should arrive,

to strike in his behalf and to follow him to any extremity. When his schemes were ripe for execution, he inflicted wounds upon his own person, and presented himself gashed and bleeding before the populace. The cuts, he averred, he had received at the hands of assassins, employed by the aristocracy to murder him because he was a friend of the poor. Amid the excitement and indignation aroused by this startling announcement, the retainers of Pisistratus clamored for a special assembly. The citizens met. The partisans of the demagogue were largely in the majority, and his opponents were afraid to speak, for fear of being suspected of complicity in the pretended assassination. A motion was offered that fifty citizens, armed with clubs, be assigned to protect the person of Pisistratus. Solon, who although on friendly terms with the would-be tyrant, had long suspected his designs, and in vain begged him to desist from them, alone dared to raise his voice against the proposition. But the words of warning fell on heedless ears. Pisistratus was granted leave to organize a body-guard. Under the pretext of carrying the decree into effect, he collected a force of armed men sufficient to garrison the citadel, and to sustain him in usurping the command of the city.

Pisistratus was content with the substance of power, and did not interfere with the ordinary and regular course of government. The magistrates continued to be elected according to constitutional forms, and the tribunals of justice exercised their usual authority; and the tyrant himself lived like a private citizen. He was careful, however, to see that important official posts were occupied by his friends, and he guarded against the machinations of malcontents by maintaining a strict police. He constructed useful and ornamental public works, and thus added to the

strength and grandeur of the city, and kept the laboring class busy and contented. His largesses were munificent, his gardens were open to the public, and his excellent library was at the service of every citizen. Under the rule of Pisistratus Athens enjoyed repose, and the slumbering democracy acquired the force which enabled it, so soon after awakening, to achieve such wonderful results.

Expelled by a sudden revolution, Pisistratus was, after five years' exile, as suddenly reinstated. He died thirty-three years from the date of his first usurpation. His sons, Hippias, Hipparchus, and Thessalus, succeeded quietly to their father's supremacy, and for several years imitated his cautious and liberal policy. A gross insult offered by Hipparchus to a comely youth named Harmodius, provoked the latter and his friend Aristogeiton to plot the murder of the tyrants. The conspiracy was only partially successful; Hipparchus was slain, but Hippias survived to take cruel vengeance for his brother's death. The crime seemed to change the character of Hippias. He grew suspicious and morose, and aimed to maintain his power by terror and severity. A band of foreign mercenaries carried out the orders of the despot, and cowed the people into abject submission. At length the Spartans were induced to send an army to relieve the Athenians from the hateful yoke. Hippias was besieged in the citadel, and his children having fallen into the hands of the enemy were only released on condition that the tyrant should leave Attica within five days. He set sail for Asia, and took refuge with the Persians. The Athenians, in the extravagance of joy over their liberation, erected statues to Harmodius and Aristogeiton, and enacted laws exempting the families of those unlucky conspirators from ordinary civic burdens. A decree of perpetual banishment was entered against the

family of Hippias, some of his more obnoxious adherents were put to death, others were driven into exile, and many were deprived of political rights.

The overthrow of the tyrants was followed by important changes in the constitution. The popular party was in the ascendant, and jealously determined to maintain its ascendancy. In the ancient *phylæ* and *phratriæ* the persons of noble descent, who were also, as a rule, proprietors of large estates, possessed a paramount influence. The *phylæ* and *phratriæ* must naturally have been ingrained with associations and traditions handed down from heroic ages, attaching especial reverence to particular families, and linking the poorer members to their well-born fellow-clansmen by ties of affection and quasi-allegiance; and as membership in a tribe or clan did not depend upon residence, the aristocracy were able to make their influence felt throughout all Attica. To break up these associations and attachments, or at least alienate them as much as possible from political affairs, was the purpose of Cleisthenes, who had stepped to the front as a leader of the commonalty. He procured the abolition of the four tribes and their clans as civic divisions of the people, and the organization of ten new tribes, based upon a territorial division of the State. Each tribe was divided into ten demes, or townships, the demes being situated contiguously to each other, so that a group of ten demes resembled a county or canton. The citizens of a deme had their local assembly for the transaction of local business, such as the leasing of property belonging to the deme, the election of officers, and the revision of the list of voters. They also had their temples for religious worship, the priests being chosen and supported by the people. The demarch, or chief magistrate of a deme, presided over the local assembly, kept a register of

the landed estates within the deme for purposes of taxation, and received a fee when such property was transferred by sale; he also kept a list of citizens liable to military duty, and acted as a police justice in preserving peace and order, and as a health officer in procuring the burial of dead bodies, and the abatement of nuisances. Each deme had also its court for the trial of petty causes, but the decisions might be appealed from. Besides the local magistrates, forty judges made circuits of the demes, and took cognizance of assault and battery cases, and of pecuniary controversies, when the sum in dispute did not exceed ten drachms. The evidence of citizenship was registration in a deme, as previously in a *phratia*. The *phratia* continued to exist, membership in a *phratia* indicating the descent, and, as far as birth might affect it, the social rank of the citizen. But such membership was not indispensable to citizenship.

The civil divisions known as naucraries were retained by Cleisthenes, who increased the number to fifty, or five to each tribe, thus increasing the number of triremes in the navy to fifty, and of horsemen to one hundred. The military forces were commanded by ten *strategi*, or generals, one for each tribe, but not each in command of a tribe. The ten generals had common and equal command over the whole army. Sometimes one *strategus* was invested with leadership by the State, sometimes one took command by common consent of the others, and sometimes they took turns in commanding. The soldiers of each tribe formed a distinct body, and the heavy-armed troops fought in phalanx order. Each heavy-armed man was usually attended by a servant, who carried his shield on the march, and each horseman was likewise followed by a servant. Military discipline was not stringent among the Athenians. The *strategi* held courts-martial, and might punish summarily in aggravated cases.

CHAPTER IV.

THE IMPERIAL DEMOCRACY OF ATHENS.

Part I.—Despotic Nature of the Persian Government—The Ionian Confederation—Athens Extends Aid to the Revolted Ionians—War between Persia and the Allied Republics—A Momentous Struggle—Ascendency of Athens—The League of Delos.

Part II.—The Democratic Constitution—Election of Officers by Lot, by Voice, and by Ballot—The Scrutiny—The Senate a Committee of the Popular Assembly—Duties of Senators—The General Assembly of the People.

Part III.—Decline of the Areopagus—Trials before the Areopagites—The Heliastic Courts—The Dicasts—Oath taken by the Dicasts—Public and Private Actions—Forms of Prosecution in a Public Cause—The Preliminary Examination—The Trial by Dicasts—Pleadings and Verdict—Execution of Judgment—Methods of Prosecuting Extraordinary Crimes—Penalties—The Forms in Private Suits—Method of Enforcing Judgment—Action of Ejectment.

Part IV.—Athenian Revenues and Expenditures—Taxation Graduated According to Wealth—The Support of the Navy—Money and Usury.

I. The vast empire reared by Cyrus the Elder and Cambyses upon the ruins of the Babylonian, Lydian and Egyptian monarchies, represented the worst form of Oriental despotism. The will of the king was the only law, and his decrees, however eccentric, barbarous, or contradictory, were implicitly obeyed. Neither ancient nor modern history contains a more expressive picture of absolute, irresponsible one-man power than that of king Ahasuerus in the Book of Esther. An autocrat swayed by women and eunuchs,

decreeing a whole race to annihilation to gratify a favorite minister, and sending the same minister from a banquet to the gallows, at the plea of his beautiful queen—such was an instance of bed-chamber government in Persia, under a prince who “reigned from India even unto Ethiopia over an hundred and twenty and seven provinces.” The departments of the empire were governed by satraps, usually members of the royal family, or of the leading nobility. Each satrap was a despot within the region assigned to him, being answerable for his acts only to his king. The satraps were appointed, and their commissions were revoked at the will of the monarch. They were continually under the surveillance of agents of the court, who promptly communicated to their royal master any word or deed indicative of disloyalty, or infidelity to trust. The monarch at regular intervals made a circuit of the empire, accompanied by an imposing retinue and a powerful army; but sometimes this duty was performed by an envoy extraordinary, invested with authority to regulate public affairs in the provinces, and to summon satraps to give an account of their administration. The orders of the sovereign were swiftly borne to the uttermost parts of the empire by couriers, who rode with almost incredible rapidity. It was not Persian policy to interfere to any serious extent with the local laws and customs of subject nations. In special instances the native princes were allowed to retain their thrones, but were required to pay tribute, and to furnish military or naval contingents, or both, according to their situation and resources.

In islands off the coast of Asia Minor, and on the fertile plains watered by the Mæander, the Cayster, and the Hermus, cities inhabited by a mixed population, mainly of the Ionian race, had grown to be rich, flourishing and

powerful commonwealths while Athens and Sparta were yet immature. Samos had extended her commerce into the interior of Africa, and planted a colony on an oasis of the desert; and the shores of the Euxine and of Italy, and even of Greece, were invaded by enterprising emigrants from Ionian Asia. The riches gained by commerce were expended in public works of strength and ornament, in the cultivation of the arts, and in ministering to the pleasure of the citizens. The abstruse teachings of philosophers and the amatory lays of poets were alike admired and appreciated by the intellectual and luxurious Ionians, in whom the mental vigor, the enterprise, and the love of independence peculiar to the Hellenic race were strangely mingled with the sensual propensities of the Asiatic. The twelve leading cities were united in a confederation for mutual defense. In their local affairs they underwent vicissitudes very similar to those which befell other Hellenic States. Heroic monarchy gave way to aristocracy, the aristocracy was succeeded by a democratic system of government, and the democracy sometimes found that its leader became its master. Samos, under the tyrant Polycrates, attained a height of power and splendor that made the island city famous among nations, and but for the untimely death of that able usurper the insular republic might have become the centre of a maritime empire. Weakened by internal feuds, most of the cities of the Ionian confederation were compelled to yield to Cressus, the monarch of Lydia, whose vast wealth is to this day proverbial. Cressus was an easy ruler; he treated the Ionians rather as allies under his protection, than as subjects under his dominion; he was a munificent patron of genius and of art, and his court became the resort of wise and illustrious men from all regions of the Hellenic world. When the Lydian kingdom

was subjugated by Cyrus, the Ionian cities likewise passed under the sovereignty of the conqueror. They were permitted to retain self-government subject to the general jurisdiction of the Persian satrap, but they were required to pay tribute, and to render military service to the empire. The yoke was very galling to the Ionians, who, in the year 500 B. C., revolted, and were effectually aided with ships and men by the Athenians.

The aid given by the Athenians to the insurgent Ionians afforded to Darius an opportunity to demand satisfaction and homage, and the grievous insult with which his demand was replied to clinched his determination to subdue the defiant republicans. The world has never witnessed a more momentous struggle than that between the cluster of Hellenic communities and the tremendous despotism of Persia. On one side was an empire unwieldy in size, but still young and vigorous, including scores of nations, and able to equip millions of fighting men; on the other, a few petty States, poor in resources and weak in numerical force, but strong in the consciousness that their cause was just, and in the resolution to perish rather than be enslaved. Had Darius or Xerxes succeeded in reducing Greece to a satrapy, his ambition would probably not have been bounded by the billows of the Ionian sea. The Athenians and their allies stood like a bulwark between the young civilization of Europe and the aggressive barbarism of Asia. The conflict was as unequal as it was glorious and successful on the part of the Greeks, and the destruction of the Persian armada at Mycale, and the utter and final overthrow of the Persian land forces at Plataea were paralyzing blows from which the giant autocracy of Susa never recovered. The spell of Persian invincibility was broken; the remnants of the host of Xerxes carried back to the nations from

whom they had been drafted the news of irretrievable defeat, and Phœnicia learned from the shattered ships which had escaped from the Bay of Salamis that her maritime supremacy had passed away forever. The Persian monarch ceased to act upon the offensive, and content to retain the dominions acquired by the builders of the empire they bent their enervated energies to the fomenting of discord among the people whom they could not subdue.

The sacrifices made by Athens in the cause of Hellenic independence, the valor of her citizens as signally displayed in the decisive battles of the war, and the sagacity and coolness of Themistocles in directing the councils of the allied forces, all tended to elevate Athens to a paramount position among the Hellenic States. Sparta had long been acknowledged as the chief military power of Greece, but the Spartans thought it beneath them to cultivate those qualities which win hearts and inspire esteem. The Spartan commanders were impatient of advice and jealous of interference, and their conduct was characterized by an arrogant and odious assumption of superiority. The Athenians, on the other hand, were careful to conciliate the weaker communities, at the same time that they strengthened themselves against Spartan rivalry by fortifying their city and harbors with massive walls and towers, and made themselves formidable to Greece and to Asia by building up their navy. The insular republics of the Ægean, and the States on the mainland hostile to Spartan domination, looked to Athens as a champion and protector. The league of Delos was formed, with Athens as the head, the avowed object being the defence of the confederates against Persian invasion. The allies agreed to contribute yearly a sum of money, the administration of the common fund being intrusted to certain officers appointed by the Athenians.

II. The Athenian constitution had grown more democratic year after year, until the lower order of citizens controlled the State, and enjoyed, with the richest of the aristocracy, an equal chance for the honors and emoluments of office. All public positions were divided into two classes, one class being filled by lot and the other by open election; but election by lot was the rule. The nine archons, the members of the Senate, the Eleven, the Examiners of Accounts, the Prosecutors of Malversation, and most of the officials of the judicial and financial departments, were chosen by lot. The six *Thesmothetæ* superintended the drawing of the lots in the temple of Theseus, the candidates having previously given in their names, and being present in person. An equal number of supernumeraries, or alternates, were appointed in the same way. Every officer nominated by lot, or otherwise, was obliged, before he entered upon the duties of his office, to submit to a scrutiny into his previous life and conduct. This scrutiny was not a mere form, but a serious investigation before the judicial body of citizens known as dicasts, who were required to swear that they would allow the induction into office of no improper person, and especially of none whose accounts with the State were unsettled. Orators who offered themselves as popular leaders, and thereby assumed a public position, might in like manner be summoned before the dicasts to give an account of their lives and conduct, and, if convicted of disgraceful profligacy, or shown to be persons of vile antecedents, they were deprived of civil rights, and excluded from the assemblies of the people. But a similar result did not necessarily follow in the case of an elected officer unable to pass scrutiny; for disqualification might be only of a physical nature; or, if not physical, then not involving general unfitness for civic duties. The officers chosen by lot were allowed to select experienced assistants.

Ambassadors, commissioners of works, and like officials with extraordinary powers, judges of musical and gymnastic contests, inspectors of education, and persons charged to supervise the celebration of public festivals, were all nominated by the popular voice in general assembly, and were subject to scrutiny like officials elected by lot. The ballot was used in the choice of the choristers of Bacchus and of certain priestly officers.

The senate, the number of whose members after the institution of the ten tribes, had been increased to five hundred, became rather a committee of the popular assembly than a co-ordinate legislative body. The members were chosen by lot in a peculiar way. On a certain day the president of each tribe gave in the names of all persons fitted to be candidates for the senatorial dignity, and willing to accept it. The names, engraven upon tablets of brass, were cast into a vessel, and in another vessel were placed a quantity of white and black beans, the white beans being equal in number to the number of senators to be elected. Those candidates whose names were drawn out with the white beans became members of the senate. For each senator elected there was also an alternate to fill his place, in case of death, resignation or expulsion.

The senate was divided into committees of fifty, called prytanies, or managers, because each committee took its turn in managing affairs. Each prytany of fifty was composed of members of one of the ten tribes, and was sub-divided into decuries, or tens. The names of the tribes were put into an urn, and one white and nine black beans cast into another urn. The prytany of the tribe whose name was drawn with the white bean presided first in order over the commonwealth. The Attic year was divided into ten parts, the first four of thirty-six days, and the six last of

thirty-five days each. Each prytany presided during five weeks of thirty-five or thirty-six days, and each decury of a prytany had charge for a week. Thus the prytanies followed each other in power until the close of the year, the prytany designated by a white bean being first, and the others succeeding according to the order in which they were drawn from the urn. Each decury, or ten, of a prytany, selected by lot one member to preside over the rest on each day of the week, and, as there were but seven days, three of the ten were excluded from presiding. The president of the ten had the custody of the public seal and the keys of the citadel. Originally the person holding this important trust presided both in the senate and in the popular assembly, until the presidency of the latter body was assigned to nine front-sitters appointed by him, one from each of the other nine tribes.

It was the duty of the prytanes in office to be constantly at hand to act with authority on the occurrences of the day. They remained nearly all day in the prytaneum, or town hall, dining there at the public cost, in company with other officers entitled to dine at the expense of the State. Every Prytany had its own clerk or secretary, who was elected by lot from another tribe than that of the acting prytany, and another clerk was elected from among the members of the prytany itself. These two were called under-clerks. A third, known as the public clerk, was chosen by the people at large.

Senators always stood while speaking, and they voted by black and white beans, the black signifying rejection and the white approval. Decrees of the senate, unless submitted to the assembly for confirmation, had no force or obligatory power after the close of the year. The authority of the senate was great, but always subordinate to the will of the

general assembly. Only on extraordinary occasions was the senate invested with plenary absolute powers. All public officers, and all branches of the administration, were under the supervision of the senate. The finances were exclusively under senatorial direction, and defaulting officials were held to rigid account.* At the expiration of their term of office senators gave an account of their stewardship, and those who had failed to discharge their duties faithfully were punished, usually by expulsion. This expulsion does not appear to have carried with it any great ignominy, for the expelled persons might afterward sit as dicasts. Senators who had been true to their trust, were rewarded with an allowance of money from the treasury, and, after the battle of Salamis, the people decreed to senators the privilege of wearing a crown, if any vessels had been built during their administration, as the security and prosperity of the commonwealth were believed to depend upon its navy.

The general assemblies of the people were of two kinds, regular and extraordinary. Of the first there were four during the term of each prytany, that is, within five weeks. The first was to consider of proposals affecting the public welfare, to receive reports in regard to confiscated estates, and to hear causes submitted to the decision of the people, and complaints against public officers. On important

* The senators were required to swear "that they would in all their councils endeavor to promote the public good, and not advise anything contrary to the laws; that they would sit as judges in what court soever they were elected to by lot; that they would never keep an Athenian in bonds who could give three sureties of the same quality, except such as had bought, or collected, or been engaged as a surety for the public revenues and did not pay the commonwealth, and such as were guilty of treason against the State." After the expulsion of the Thirty Tyrants the senate also took an oath to observe the Act of Oblivion. The clause in regard to bail for accused persons, was interpreted as applying to those only who had not been tried.

occasions the rustic population were summoned to attend. The second was for the hearing of petitions and expressions of opinion, and to make provision for the needs of the commonwealth; the third, to give audience to foreign ambassadors; and the fourth to determine matters in relation to divine worship and sacred things generally. When a subject arose of a sudden and special nature the people were called to the assembly by a crier. Fines were imposed for non-attendance, but, as this method was found ineffective, a reward was substituted, and those who came early received an obol, afterward increased to three obols.

The president of the assembly was designated by lot. After the expiatory rites had been performed, and solemn prayer had been offered up, a crier stated, by order of the front-sitters, the business to be submitted to the people. If the subject had already, as was regular, been passed upon by the senate, the question was first put whether the people would abide by that decision, or take the matter into further consideration. Anyone might speak in the debate, the rule according to which the herald first called upon the citizens who were above fifty years of age having soon fallen into disuse. Nothing but civic death deprived of the right of speaking. The regulation that an orator should be a married man, and a parent, and a proprietor of landed property, extended at the utmost only to professional orators, who made it their business to direct the councils of the people, and to propose measures. Perfect freedom of speech was allowed, in theory at least, and every orator, in token that his character was inviolable, wore a crown while speaking. The presiding officers might interfere to check disturbance, and call in, if requisite, the assistance of the police.

The usual method of voting was by holding up the

hands, the result being announced by the presiding officer. Even nominations to office, in the few cases in which lot was not resorted to, were decided in a similar way, the people declaring their acceptance or rejection of each candidate on his presenting himself, or being recommended to them by some orator. Vote by ballot was prescribed by law only in cases where an individual citizen was made the object of a formal decree, and then at least six thousand votes were requisite to validate the proposed action. Of this nature was ostracism. This measure was not attended by any definite charge; but, yearly, on a certain day, it was proposed to the people that they should ostracize. If they affirmed that there was occasion for it, a second meeting was appointed, at which every one gave in, written on a shell or potsherd, the name of the individual whose expulsion he desired. The victim of the proceedings left the country for ten years, but the houses and property of the exile remained intact, and he might at any time be recalled by a decree of the people.

III. The Areopagus had gradually lost the indefinite and extraordinary authority in civic affairs with which it was invested by Solon. Being a slowly changing and conservative body, and of strongly aristocratic sympathies, it was regarded with jealousy and suspicion by the popular leaders, who ever dreaded lest its arbitrary interference might mar some scheme of ambition. Pericles signalized his elevation to political supremacy by procuring the passage of a law limiting the jurisdiction of the Areopagus. Whether the limitation applied to the censorian or judicial attributes of the ancient council is not clear; but it was probably to the former, as a modification of the judicial authority of the Areopagus would have hardly made any difference to Pericles, and would have been hurtful to that feeling of

almost superstitious reverence with which the tribunal, apart from its political character, was looked up to by the Athenians.

The Areopagus continued to be the highest of criminal courts, before which were arraigned deliberate murderers, traitors, and other heinous offenders. The prosecution of a murderer was the sacred duty of the nearest relative of the victim, and any kinsman not further removed than a first cousin's son might himself be brought to trial for a failure to invoke the law. When a number of cases were to be tried, the Areopagites divided themselves into committees, and each committee heard and determined a cause. The plaintiff in a prosecution for murder was required to swear that he was related to the dead person. The prisoner, if he claimed to be innocent, was obliged to swear that he was guiltless of the crime laid to his charge. The oaths were of an awful nature, the party calling upon the gods to utterly extirpate his house and his whole family, if he swore falsely. Then the plaintiff and defendant were placed upon two silver stools, the accuser upon the Stool of Injury, and the prisoner upon that of Innocence. The accuser proposed three questions to the defendant, and the latter was required to give a distinct answer to each. The first question was: "Are you guilty of this murder?" to which the defendant replied "Guilty!" or, "Not guilty!" The second was: "How did you commit this murder?" and the third: "Who were your accomplices in the deed?" Each party then stated his case, the prisoner being allowed to make two orations in his defense. After the first oration the defendant might go into voluntary banishment, in which event his estate was confiscated and sold. In early times, the accuser and accused spoke each in his own behalf, but at a later period they were permitted to employ counsel; but no flour-

ishes or flights of oratory were tolerated, being considered beneath the dignity of such an august tribunal. The judges gave their verdict by ballot, the votes being cast into urns. The Thirty Tyrants, however, obliged the Areopagites to cast their ballots upon two tables, in order that the tyrants might know who favored, and who were opposed to the prosecutions instituted by them.

Besides the Areopagus, there were ten superior tribunals of justice, known from their constitution, as heliastic courts. Four took cognizance of criminal, and six of civil procedures. The courts were distinguished by colors and by letters, such as the *Alpha*, the *Beta*, and so forth. The judicial service was performed by the Heliæa, or select assembly of six thousand citizens, instituted by Solon. The members of this assembly were above thirty years of age, and were chosen annually by the nine archons and their secretary. Each of the officials drew by lot the names of six hundred persons belonging to the tribe assigned to him, and the whole number thus selected was divided by lot into ten sections of five hundred each, with one hundred supernumeraries to each section. Solon had apparently intended this assembly to act as a body-guard of the constitution, to prevent the induction of improper men into office, and to uphold and to vindicate the rights and dignity of the State against all who directly or indirectly assailed them. For the efficient support of this grave responsibility judicial functions were necessary, and, the Heliæa being a democratic body, its authority became more and more extensive with the growth of popular power, until it reached over the whole range of public and private causes. The courts of the *Ephetæ*, which Solon had retained, and which were composed of elderly men, chosen from well-born families, fell into obscurity and decay, and the archons became mere

examining magistrates, and presidents in the heliastic courts. The members of the judicial body were known as dicasts, or judges, and the oath taken by them indicates the wide scope of their duties.* After assuming this obligation each dicast received a tablet inscribed with his name and the number of the division to which he was to belong during the year. On the morning of every court-day recourse was had to lots to decide in what courts the divisions should respectively sit for that day, and the suits of which they should take cognizance, since there were many causes which could be tried only in certain courts. Staves with corresponding marks were handed to the jurymen at the entrance of each court, as symbols of judicial power, and at the same time tickets were given them, on presenting which they

* "I will give sentence according to the laws and the decrees of the people of Athens, and the Council of Five Hundred. I will not consent to place the supreme power in the hands of a single person or of a few; nor permit any man to dissolve the commonwealth, or so much as to give his vote, or make an oration in defense of such a revolution. I will not endeavor to discharge private debts, or to make any division of lands or houses. I will not restore persons sent into banishment, nor pardon those condemned to die, nor expel any man out of the city contrary to the laws and decrees of the people and Council of Five Hundred, nor permit any other person to do it. I will not elect any person into any public employ, and, particularly, I will not create any man archon, hieromnemon, ambassador, public herald, or synedrus, nor consent that he shall be admitted into any of those offices which are elected by lots upon the same day with the archons, who has undergone any former office, and not given in his accounts; nor that any person shall bear two offices, or be twice elected to the same office within one year. I will not receive gifts myself, nor shall any other for me; nor will I permit any other person to do the like by any means, whether direct or indirect, to prevent justice in the court of Heliæa. I am not under thirty years of age. I will hear both the plaintiff and the defendant without partiality, and give sentence in all the causes brought before me. I swear by Jupiter, Neptune and Ceres; if I violate this oath, or any part of it, may I perish with my whole family, but if I religiously observe it, may we live and prosper."

received their fee. The number of dicasts requisite to decide a case was at least fifty, but, when the affair was of great public interest—for instance, the trial of Aspasia, the mistress of Pericles—as many as fifteen hundred jurors tried the cause. The dicasts were judges both of the law and of the fact.

Actions were of a public or of a private nature, the first being where the welfare or dignity of the State was affected, either directly, through a wrong done to the body politic, or indirectly through a wrong done to an individual member of the body. In public causes the State, alone or jointly with the prosecutor, profited by the pecuniary punishment of the defendant, if the penalty exacted was of a pecuniary nature; whereas in private actions, the money received went exclusively to the plaintiff. Each public officer prosecuted offenses coming within his jurisdiction. To the archons was intrusted the administration of justice. The president archon took cognizance of suits regarding inheritance, and the rights of widows and orphans; the second, or king archon, of actions connected with religion and public worship; and the third archon attended to cases affecting the interests of resident aliens and foreigners in general. The *Thesmothetæ*, or six archons to whom was committed the guardianship and revision of the laws, acted as Grand Inquisitors of crime and as presiding magistrates in the courts. Any citizen of mature age, and in full possession of civic rights, might likewise act as a prosecutor, except in the case of certain crimes, the prosecution of which was the special and binding duty of the persons most interested. A citizen upon whom a blow had been deliberately inflicted might proceed against the offender either by a public prosecution or by a private action, just as in the United States a person who has been assaulted may enter a criminal

complaint or institute a suit for damages. The laws of Athens afforded an ample choice of methods to a citizen seeking the vindication of his rights or the remedy of a wrong.

An accuser in a public cause laid his complaint before a magistrate, and was required to swear to the truth of his accusation, and also that he would not allow himself to be induced by bribes, promises, or any other temptation, to desist from the prosecution. If the complaint was in the form specified to be made against traitors, persons who took office while disqualified, exiles who returned clandestinely, murderers, or other heinous criminals, the magistrate issued an order for the arrest of the defendant, who was either imprisoned or held to bail, pending examination. A citizen might arrest a thief or other criminal found in the act, and drag him before the Eleven, who had jurisdiction over ordinary malefactors; but there was a serious risk in following that summary course, for, if the accused succeeded in exculpating himself, the accuser was liable to a penalty of one thousand drachmæ. The safer method was to state the facts to one of the Eleven, and conduct officers to the place where the capture might be effected. If the accused pleaded guilty, the magistrate might cause sentence to be executed forthwith. If the defendant asserted innocence, he was required to confirm the averment with an oath. The magistrate then proceeded to hold a preliminary investigation. The name of the accused, and a statement of the charges against him, were suspended in a conspicuous public place, so that all acquainted with the facts might come forward and testify. Any citizen, not nearly related to the principals in the case, might be compelled to give evidence, unless he made oath positively asserting his ignorance of the affair. Witnesses were obliged to appear in person, and only on

extraordinary occasions would the deposition of an absentee be admitted. Documents and quotations from the laws bearing upon the case might be presented, and slaves, if necessary, be put to the torture. The complaint and answer, together with all the evidence offered by both parties, were placed in vessels, sealed and intrusted to an officer of the court, to be delivered to the dicasts on the day of trial; and the defendant, if the charge was of a grave character, was required to furnish surety for his appearance; otherwise he was imprisoned to await the result. This preliminary examination was not for the purpose of ascertaining the guilt or innocence of the accused, with a view of discharging him or holding him for trial, but in order to have the facts all ready for the consideration of the dicasts who were to decide upon the case.

The dicasts were selected by lot, and upon the appointed day took their seats in the court, from which persons not interested in the proceedings were debarred. The evidence was presented in writing, and confirmed by the witnesses under the solemnity of an oath. Both plaintiff and defendant were represented by pleaders, the length of whose speeches depended on the number of *clepsydræ* which the presiding magistrate had assigned that each should have. The *clepsydræ* were water-clocks, somewhat like sand-glasses, with narrow orifices through which the water trickled slowly. The water was stopped while quotations from the laws, and other documents, were being read. The parties seldom wholly rested their case on the pleadings of counsel, but usually procured written arguments from some professional orator. Sometimes impatient dicasts interrupted an advocate with cries of "Go down!" meaning that he should cease speaking. The advocate was not, however, obliged to obey the admonition, but could stop, or not, at his own discretion.

The dicasts gave their votes as soon as the pleadings ended, and without deliberation. In early times verdicts were given by black and white sea-shells, or pebbles. At a later period, pieces of brass were used; and later still, black and white beans. The white were whole, and signified acquittal; the black were perforated, and indicated condemnation. If the number of black and white beans was equal, the accused was absolved. The verdict of the dicasts was final, unless a defendant afterward proved that gross perjury had been committed on the trial, or that the prosecution was the result of a conspiracy. An accuser who failed to make good his case became liable to certain penalties, unless at least one-fifth of the vote was in his favor; and an accuser who compromised or betrayed a public cause, was in most instances punished by a heavy fine, and by partial deprivation of civil rights.

If the prosecution was for the embezzlement or defalcation of public money, the convicted party was at once declared to be deprived of civil rights, but such deprivation was not inflicted for the mere non-payment of taxes, but only where a breach of trust had been committed, as by an official entrusted with the collection of revenue, or a breach of contract, by a person who had hired the use of public lands or buildings. Defaulters to the State could only escape imprisonment by giving sufficient sureties that the debt would be paid within an appointed time. If the time elapsed, and the claim was still unsettled, the amount was doubled, and, in case of further delay, the State might confiscate the debtor's property.

Special provision was made for the prosecution of crimes which the ordinary and regular processes of justice were not adequate to deal with, either because the laws in force did not cover the alleged offense, or because the crime

charged was of so heinous and complicated a nature as to deserve signal and marked condemnation. The accuser, in such a case, submitted his indictment either to the Senate or to the assembly of the people. If submitted to the Senate, that council might judge the cause, if of minor importance; or send it to the dicasts, with a decree prescribing the forms of trial and the penalty; or refer it to the people. Even when an accusation was presented for the action of the popular body, it passed through the hands of the Senate, who formally sanctioned its introduction in the assembly, and directed the front-sitters to procure a hearing for the informer. When the subject was before the assembly, the the question of the probable guilt of the accused was discussed, and decided by a vote. Then the manner of conducting the trial, and the punishment to be inflicted in the event of conviction, were fixed. Public advocates, generally ten in number, were associated with the accuser, and permission was likewise given to any citizen to volunteer his services on the side of the prosecution. If the assembly undertook the trial of a cause, instead of referring it to the dicasts, the accused was brought forward, and allowed to make a defense, and if charged with treason he appeared in chains, and with a keeper on each side. The tribes voted by ballot, two urns to each tribe, and a majority acquitted or convicted.

Sentences were executed under the direction of the Eleven, a body of officers annually chosen by lot, one from each tribe, and a secretary. They prosecuted common malefactors and gross disturbers of the public peace, and had charge of the public prisons. The Eleven also had under their control the torturers, jailers and executioners, and they enforced judgments of confiscation. The forms of capital punishment varied according to the heinousness

of the crime. Among the methods of putting to death were beheading, strangling with a cord, as among the Turks, and hanging on a gibbet. Crucifixion was inflicted as a degrading punishment, the hands and feet of the convict being nailed to the cross. Sometimes a criminal was suspended to a pole and beaten to death with sticks. Sometimes a condemned person was hurled from the Acropolis, as in Rome from the Tarpeian rock. Servitude was reserved for resident aliens and freedmen. A resident alien who had failed to pay his residence tax was brought before the *Poletæ*, a board of ten officers whose duty it was to grant leases of the public lands and mines, and to farm the revenues. If the accused was proven to have forfeited his freedom he was sold for the benefit of the State. Other punishments were exile, imprisonment, branding, the inscription of the name upon a pillar of infamy, the wooden collar, the stocks for the feet and legs, fetters for the feet and legs, and the plank upon which criminals were bound.

Athens had three prisons, one for the safe-keeping of accused persons and State debtors; another a house of correction, and the third for persons condemned to die. Imprisonment was the usual penalty for exercising civic rights while laboring under disability, and a person sentenced to pay a fine might be incarcerated until the judgment was satisfied. The Greeks did not think it proper to expend the public money in the support of criminals, and gross offenders, when not deemed worthy of death, were subjected to a summary penalty which marked them as objects to be shunned and scorned. In this respect the Grecian method of dealing with crime differed radically from that now prevalent among civilized nations.

A suitor for private redress might by his own motion, or by agreement with his adversary, submit the issue to

public arbitrators. These magistrates were forty in number, four to each tribe, and were elected yearly. They were not less than fifty years of age. They sometimes sat as commissioners to take testimony regarding cases on trial in the higher courts, such as examining a slave by torture, or ascertaining the validity of documents offered in evidence. The depositions thus taken were carefully sealed and turned over to the superior tribunal. The judgment of public arbitrators could be appealed from. At the close of their term of office, they might be cited before the Senate to answer charges of corruption or partiality, and, if convicted, they were deprived of civil rights. Litigants could also arrange to have a case tried by private arbitrators, who were named in an agreement signed by the parties, which agreement likewise set forth the number of votes necessary to a decision, and probably reserved or prohibited an appeal to the courts.

If a complainant in a private action desired to have the cause tried by dicasts, he submitted his complaint to a magistrate, who determined whether the case was within his jurisdiction, and whether it was a proper issue to be decided in a public court. The magistrate permitting, the complainant summoned his adversary. This was sometimes done by a constable, and sometimes by the plaintiff in person, who took with him a witness to the summons. When a married woman was cited, her husband was also notified. The summons either called for immediate appearance, or named a future date upon which the defendant was to present himself.

The plaintiff and the defendant being before the magistrate, the defendant might object to a trial of the cause on several grounds—that the alleged cause of action was more than five years old; or, that the controversy had

been settled before credible witnesses; or, that the matter had already been adjudicated in a court of law; or, that the case was beyond the jurisdiction of the magistrate; or, that the defendant was not ready for trial, and had valid cause for delay. To these objections the plaintiff was required to file an answer. But if the defendant interposed no plea or excuse, the magistrate proceeded to hold a preliminary examination with the view of ascertaining the facts, as in a public cause. Each party was required to deposit a sum proportionate to the amount in dispute. If the controversy was concerning the value of one hundred drachms, a deposit of three drachms was necessary; if more than one thousand drachms, then the deposit was thirty drachms. This money, after the decision of the case, was divided among the dicasts, and the defeated party was also required to pay to the successful suitor the amount of the latter's deposit. Persons suing for the recovery of confiscated goods was obliged to give security to the amount of one-fifth of the value of the goods, and a person contending for an inheritance one-tenth. A litigant proven to have instituted his suit in bad faith was liable to be mulcted one-sixth of the value of the property he had wrongfully coveted.

The magistrate selected a jury of dicasts by lot, and the method of procedure on trial was similar to that in a public action. If the defendant did not appear, judgment was at once given against him; but, if before the expiration of ten days from the date of judgment, he came forward with a valid excuse for his default, the judgment was suspended for two months, in order to give him an opportunity to put in a defense, and then renewed, if he had not taken advantage of the grace. The execution of the judgment was left very much in the hands of the successful party, who might

seize the property of his adversary, if the claim was not promptly satisfied. The law afforded a plaintiff no ministerial aid in enforcing an execution. If there were no goods to levy upon, the plaintiff proceeded to satisfy his claim by the seizure of the defendant's real estate. If he encountered opposition, he had no remedy but to prosecute the opponent for impeding him, and if the person prosecuted failed to establish a valid and prior right in the property, as, for instance, that of a mortgagee in good faith, he was condemned as a public offender to pay to the State a sum equal to the damages, or to the value of the property recovered under the original judgment. If this remained unpaid, he became liable, as a State debtor, to imprisonment and disfranchisement, and, it may be presumed, he was also required to satisfy the plaintiff for the damage and expense caused by the impediment.

When there was a dispute regarding the title to property a claimant could not maintain an action for ejectment until he had entered, or attempted to enter into possession, and been ousted. In early times, the ouster was accompanied with force and violence, but in a more civilized age the form of ousting was quietly gone through with in the presence of witnesses, a ground being thus established for legal proceedings.

IV. The ordinary revenues of the Athenian State were from customs and harbor dues, the excise on sales in the public market, the tax on aliens, the tax of three obols for every slave, which was likewise exacted from every freedman, court fees and fines, the rent of the public lands, and the income from the mines. Public lands, pasture and arable, as well as public buildings not needed for public use, were let to the highest bidder. Tributary States paid a sum equivalent to a five per cent. duty on all commodities

exported and imported by them. In the flourishing period of the republic, the annual revenue collected from these various sources, amounted to about two thousand talents, (about two millions, four hundred and forty thousand dollars).

Extraordinary expenditures, rendered necessary by war or other exigency, were met by a tax on property, which resembled, in some respects, the forced loans exacted by Italian republics in the Middle Ages. Twelve hundred of the wealthiest citizens were selected, one hundred and twenty from each tribe, and were divided into four *symmoriæ*, or classes, of three hundred each. The first class included all who were worth twelve talents and upward; the second, those who were worth six talents, but less than twelve talents; the third, those who were worth from two to six talents, and the fourth, those who were worth twenty-five *minæ*, (not quite half a talent,) and under two talents.* The first class were taxed one-fifth of their property; for instance, if a citizen was worth five hundred talents, he was taxed on one hundred talents, and the tax on the one hundred talents was one-twentieth, amounting to five talents. A member of the second class, worth, say, eleven talents, was taxed one-twentieth of one-sixth. A third class man, worth five talents, was taxed one-twentieth on one-eighth of his property, and a fourth class man, worth less than two talents, was taxed one-twentieth on one-tenth of his estate; so that the lowest class were only taxed at one-half the rate of the highest class. The wealthiest might also, if there was urgent need of money, be made to pay both the amount assessed against themselves, and that due from the less wealthy; but the former might afterward recover from the latter the proportion advanced on their account.

* A talent was equal to about \$1,220; a mina, about \$21; a drachma, about twenty cents; and an obol, nearly three cents.

The burden of supporting the navy, instead of being thrown upon wealthy individuals, as in the early and aristocratic period of the republic, was sustained by organized classes of property-owners. Twelve hundred of the richest citizens were divided into twenty bodies, each numbering sixty persons, and called a *syntelia*, or partnership. Each *syntelia* included within it persons of the four different degrees of wealth, fifteen of each degree, and upon the wealthiest class the responsibility usually fell, as they had the most ready money, and could be more easily reached by the State authorities. The State furnished the vessels, equipment and crew, and the duty of the *syntelia* was to provide a trierarch, or master, for the ship, and return the State property in as good order as received, due allowance being made for damage and loss by storm or in battle. This expense the wealthy class often managed to evade by collecting from their partners in the *syntelia* the amount paid to the person undertaking the trierarchy. The system led to many abuses. In the language of Demosthenes, the rich escaped with little cost, while the expense fell upon persons of moderate income, triremes were not equipped in time for an emergency, and the State lost opportunities for action. Vessels were not unfrequently lost through the carelessness or ignorance of the persons to whose charge they had been intrusted, and unfortunate trierarchs were sometimes forced to implore the mercy of the people, or seek refuge in a temple from their just indignation. The orator, when superintendent of the navy, procured the enactment of a law dividing the burden more equitably among the property classes. A citizen whose taxable capital was only ten talents was held responsible for one trireme, up to three triremes and one auxiliary vessel for the largest estates, no person, however rich, being compelled to support more than that

number. Property-owners whose taxable capital was less than sufficient to maintain a trireme united in partnerships, each partnership representing ten talents. The law proved in its operation beneficial to the State and equitable to taxpayers, and the condition of the navy was greatly improved.

The current money of Athens during the independent period was silver, although copper was coined when the more valuable metal was not sufficiently abundant for the necessities of trade. Gold was used only for ornamentation, and was not coined into money until after the establishment of Macedonian supremacy. Banking appears to have originated in the custom of depositing money and valuables in temples for safe-keeping; though we are not informed whether the treasurers of the temples were authorized to lend out at interest the sums thus intrusted to their care. In the time of Demosthenes banking was already a flourishing business in Athens. The borrower gave his note of hand, or his bond, for the amount loaned, from which the banker—if he saw fit—deducted the interest in advance. Any rate of interest might be agreed upon between borrower and lender, but ordinarily interest ranged from ten to thirty-six per cent. No money could be loaned on the security of a citizen's body. The Athenian bankers paid interest on deposits, and some of the fraternity enjoyed a high and extended reputation for fair-dealing and integrity. Valuable papers were placed in their charge, and contracts of debt were made and canceled in their presence.*

* Pasion, who from being a clerk in the office of the bankers, Antisthenes and Aristarchus, rose to be the leading banker of Greece, is recorded to have owned landed property to the value of twenty talents, about \$25,000, and to have had out at interest fifty talents of his own money, besides eleven talents deposited with him by customers. His yearly profits did not, however, exceed one hundred *mine* (about two thousand dollars) a year, which, considering the high rate of interest prevalent, would indicate that loaning money was a very precarious and rather unprofitable business, although the purchasing power of money was then fully twenty times greater than to-day. As a citizen's person could not be seized for debt, losses must have been frequent. The Greeks do not seem to have understood payment by checks or drafts.

CHAPTER V.

ZENITH AND DECLINE OF GREECE.

Part I.—Character and Motives of Pericles—The Athenian Empire Consolidated—Religion and the State in Athens—The Parthenon—Grand Public Works—General Prosperity—Flourishing Condition of Literature and of the Arts—Growth of Immorality—The Peloponnesian War—Death of Pericles.

Part II.—Ascendancy of Demagogues—Legalized Robbery—Abuse of the Dicastic Power—Free Speech Practically Annulled—The Assemblies become Disorderly—Treason Among the Rich—The Fortunes of War against Athens—Vitality of Republics as compared with Despotisms—Surrender of Athens to Lysander—The Thirty Tyrants—Athens Liberated.

Part III.—Sparta without a Rival, but Demoralized by the Spoils of Conquest—The Spartans Invade Persia—Confederacy against the Spartans—Recall of Agesilaus—Beginning of the Decline of Spartan Power—Persia the Arbitrer of Greece—Persian Policy—Sparta Humbled by Thebes.

Part IV. Decline of the Martial Spirit in Greece—Employment of Mercenaries—Macedonian Ambition—The Vain Warnings of Demosthenes—The New Hellenic Empire—Athens under Macedonian Rule—Decay of Sparta.

Part V.—The Ætolian League—Constitution of the League—The General Assembly—The Apocleti—Election by Lot—The Strategus—The Rights of Citizens—The Achæan League—An Inseparable Union—All the States on an Equal Footing—The General Assemblies—The Select Committee—Powers of the General Assembly—Federal Officers—Rights of the States—Greece a Roman Province.

I. Athens reached the zenith of her power and grandeur under the sway of Pericles. Endowed by nature with physical and mental qualities which fitted him to be a leader

of men, Pericles was likewise fortunate in having the means to cultivate and improve his natural gifts by study under the best teachers, and intercourse with the most intellectual minds of Greece. His noble birth was an introduction to the most select circles of Grecian society, and his personal interests were identified with the aristocracy, but his unselfish ambition reached far beyond the temporary advantages to be gained in a triumph of faction. He aimed to win glory for himself by gaining glory for his country, and to make himself famous by extending the fame and the empire of Athens. Pericles was in no sense a tyrant; he was simply a leading citizen, guiding and controlling the popular councils through the influence of his talents and virtues, and through the popular belief in the purity and patriotism of his motives. He never interfered with the regular and constitutional course of government, nor did he set up his own will against the laws, even when the forms of law were perverted to the bitter and unjust persecution of those whom he held most dear. He did not pander to vulgar jealousy and prejudice, but he seemed to have an honest, thorough confidence in the people, and was not afraid to trust them with the management of their own affairs. In the language of Thucydides, "Pericles, powerful from dignity of character as well as from wisdom, and conspicuously above the least tinge of corruption, held back the people with a free hand, and was their real leader, instead of being led by them. For, not being a seeker of power from unworthy sources, he did not speak with any view to present favor, but had sufficient sense of dignity to contradict them on occasion, even braving their displeasure."

As a general Pericles took a vigorous and successful part in carrying out his own plans of warfare, and his bravery compelled the respect of those who detested his

policy. He subdued revolted Samos, re-conquered Eubœa, and reduced the allied States to complete subjection and dependence. He connected Athens with the Piræus and Phalerum by a line of fortifications, he provided for the regular payment of the army, and caused a powerful navy to be sent on a yearly cruise among the islands of the Ægean, thus asserting the title of Athens to the dominion of that sea, and keeping the Athenians ever prepared for a sudden outbreak of war. Athenian colonies were established in Andros, Lemnos, and Naxos; a large tract of land in Eubœa was divided among Athenian proprietors, and immigrants were sent to carry Attic civilization to Thrace, to the Thracian Chersonese, and even to distant Italy.

Pericles was probably not a believer in the venerable myths which formed the State religion of Athens; but fidelity to the recognized faith was identical in the Athenian mind with loyalty to country. Minerva was the presiding divinity of Athens, and in investing her worship with all the surroundings of majesty and splendor that art could contrive and wealth supply, Pericles magnified his native State as represented in her patron goddess. The statue of Minerva which stood within the Parthenon was twenty-six cubits, or nearly forty feet, in height; the flesh parts were formed of plates of ivory laid upon a core of wood or stone. and the drapery and ornaments were of solid gold. Next to the statue of Jove in the sacred grove of Olympia it was the most wonderful work of the great sculptor, Phidias. Other admirable monuments of art were erected under the guidance of the same master intellect. The spoils of Persia, the ample revenues from increasing commerce, and the silver poured into her coffers by tributary allies, afforded abundant means for the erection of public buildings worthy of an imperial city. The people were contented and happy,

for all were busy, and money was plentiful, and circulated freely. Every branch of trade felt the buoyant influence of the general activity. The ablest artisans in all branches of skilled labor flocked to the city which offered the highest reward for their services, and literature, painting, sculpture, and architecture flourished under the fostering guardianship of wealth combined with intelligence. But unfortunately for Greece, the growth of immorality kept pace with the development of the arts. A fanciful and depraved mythology afforded free scope to the libidinous imagination, and erotic and lascivious ideas were moulded into forms that seemed almost animate. The eyes of youth were met on every side by pictures and statues which must have shocked his better nature, but which, as he became used to them, were first tolerated, then admired.

Pericles lived to see the beginning of the war which was to end in the overthrow of his beloved Athens. Sparta was the citadel of oligarchy, and wherever Spartan influence prevailed, the common multitude was kept in submission to the superior few. Athens was the champion of popular institutions, and she forced a democratic form of government upon every State subject to her empire. The independent and aggressive attitude of the Athenian democracy aroused the jealousy and excited the hostility of the Spartans. A pretense for a collision was readily seized, and the two republics threw their energies into a struggle for the mastery of Greece. Other Hellenic States, prompted by their sympathies and their interests, took one side or the other, until nearly all of Greece and the leading Grecian colonies were involved in the war. Pericles did not long survive the outbreak of hostilities. He died in 429, B. C., asserting with his dying breath, that he accounted as more to his glory than any of his public services, the fact that no citizen of Athens had been obliged to put on mourning through him.

II. In Pericles, the Athenian democracy lost a leader who could not be replaced. Partisan strife was revived in all its bitterness. The unlimited power of the multitude was no longer restrained by the guiding hand and the eloquent tongue of the chief whom all had been accustomed to reverence and obey, and democracy soon became a despotism more terrible to the best people of the State than the yoke of a foreign foe. The dominant mob abused the forms of law to rid the State of men whose opulence and eminence made them objects of odium and suspicion. Ambitious demagogues inflamed the popular mind with reports of plots and conspiracies, and gratified the poor by making the rich cringe before them in the courts of pretended justice. The assemblies were swayed by such men as Cleon, who wheedled, cajoled and flattered the multitude, while they trampled upon the senate, and humbled the brave generals of armies.*

One common method of courting favor with the Athenian democracy was to propose sacrifices of oxen and of goats, the cost of which fell chiefly upon the rich, while the larger portion of the flesh of the victims was divided among the poor. This system of legalized robbery was carried to such an extent that the proceeds of the skins of the animals immolated formed no small item in the revenues of the commonwealth. This was, however, but a minor

* "The character of popular leader," wrote Aristophanes, "no longer belongs to a man of education, nor yet to one good in his morals, but to the ignorant and repulsive." "How am I to manage the people?" asks the Sausage-seller in the "Knights." "That is very easy," replied Demosthenes, "Act as you do now. Jumble and mince together all State affairs, and always win over the people to your side by coaxing them with little, cookish words. But the other requisites for a demagogue you possess—a vulgar tongue, you are of mean birth, a low fellow. You have all things requisite for statesmanship."

evil. After the pay of the juryman, or dicast, had been raised by Pericles to three obols for each sitting, thousands of the lower order made a living out of what should have been a burdensome but honorable duty. Upon the pittance earned in the courts, they and their families depended for bread, and it is not strange that the sycophants who brought them lawsuits and fees were favored and encouraged. The poor citizen in the juror's seat was for the time, the superior of his more fortunate fellow-citizen compelled to appear before him as plaintiff or defendant.*

It was necessary for such as Cleon, in order to maintain their supremacy, to crush all opposition, without at the same time arousing the suspicions of the multitude. Thus the right of free speech in the popular assemblies was practically annulled, for creatures of the mob leader were ever ready to

* "What animal," exclaims Philocleon, in the *Wasps*, "is more happy and enviable, or more luxurious, or more terrible, than a dicast, especially an old one? Whom in the feast-place fellows of huge size and four cubits high at the bar watch on his creeping from his couch. And straightway he lays his hand gently upon me as I approach, who has pilfered from the public money, and bowing low, they supplicate me, uttering in a piteous voice: 'Pity me father, I beseech you, if ever you yourself also stole anything, when holding any office, or on service, when making purchases for your messmates.' Then when I have entered, and having had my anger wiped away, when within I perform none of these things which I promise; but I listen to them uttering all their eloquence for an acquittal. Come, let me see; for which piece of flattery is it not possible for a dicast to hear there? Some lament their poverty, and add ills to their real ones, until, by grieving, he makes his equal to mine; others tell us mythical stories; others, some laughable joke of Æsop; others cut jokes that I may laugh and lay aside my wrath. And if we should not be won over by these means, forthwith he drags in his little children by the hand, his daughters and his sons, while I listen. And they bend down their heads together, and whimper at the same time; and then their father, trembling, supplicates me as a god in their behalf, to acquit him from his account. And we then relax for him the peg of our wrath a little. Is not this a mighty power and derision of wealth? * * * * * And if a flute-player gain his suit,

silence with jibes and insults, those who raised their voices against him. Orators dreaded by the dominant demagogue could scarce obtain a hearing, and the meetings, once so orderly and well regulated, became scenes of tumult and personal ribaldry, in which respectable citizens did not care to mix. The qualifications which, in a purer age, had been regarded as essential in a professional orator, were ignored, and the people listened with attention and complacency to flattering words rolled from the tongue of the mean and degraded. No pretense was too ridiculous to form a ground for exciting prejudice against the better class, and a man's dress and style of living, were quoted as evidence that he was an enemy of democracy and a foe to the constitution. It is not strange that the rich, forced to bear the burden of a government which afforded them only the mockery of protection, grew disaffected, and that treasonable thoughts found lodgement in the breasts of many.

The war against Sparta and her allies was enthusiastically supported by the popular party, while the aristocracy regarded the contest with disfavor, and some of them were justly suspected of being friendly to the public enemy. The fortunes of battle varied, but the results were generally disastrous to the Athenians, whose ablest commanders were hampered by such dictation, and were not permitted to follow their own judgment in the management of their

as our fee for this he plays a finale for us dicasts as we leave the court.
 * * * * * When I come home with my fee, then all of them together salute me on my arrival for the money's sake. And first, when my daughter washes me and anoints my feet, stooping over she gives me a kiss, and wheedling me at the same time, fishes out the three-obol-piece with her tongue, * * * * * Do I not hold a great power, and no way inferior to that of Jupiter? At any rate, if we should make an uproar, each one of those who pass by says: 'O king Jupiter, how the court thunders!' And if I lighten, the wealthy and very dignified whistle and are in a horrid fright at me."

forces. Nevertheless Athens displayed wonderful vitality and power of recuperation. She quickly recovered from the most crushing blows, and answered defeat by fitting out new fleets and armies. Never was stronger evidence given of the tenacious vigor of democratic institutions. Despotie governments have often been extinguished in a single campaign, but the real republic, prostrate for the moment, soon regains energy and life. It is more than probable that, notwithstanding blunders of administration, and the stupidity of demagogical captains, Athens would have proved victorious in the end but for the defection of Alcibiades. That talented, unscrupulous and licentious man taught the Lacedæmonians how to conquer his native State, and although eventually he rejoined the Athenian cause, he could not undo the ruin he had wrought.

The decisive battle of Ægos-Potami (B. C., 405) placed Athens at the mercy of her foes. The city, after enduring the horrors of famine for three months, surrendered in the following spring to Lysander. The walls and fortifications were demolished to the music of the flute, the vessels on the stocks were destroyed, and all the fleet, except twelve triremes, were seized by the Spartan commander. Not content with the utter humiliation of their old enemy, the Lacedæmonians entrusted the government of the city to thirty men, known in history as the Thirty Tyrants. The oligarchs were merciless in their proscriptions, and it is said that during the brief period of their rule fifteen hundred citizens were put to death. Falsely secure in the belief that they had nothing to fear from a people seemingly cowed into abject submission, the Tyrants did not notice a movement going on among those whom their atrocities had driven into exile. Seventy Athenians, under Thrasybulus, seized the strong fortress of Pyle, in the territory of Attica.

The oligarchs attempted in vain to dislodge the little band of exiles, and encouraged by success, and strengthened by the accession of numerous followers, Thrasybulus marched to the port of Athens. There he was again attacked by the Tyrants and their mercenaries, whom he repulsed with the loss of their leader, Critias. The Spartans sent a force to support the oligarchy, but, after some unimportant engagements, terms of agreement were arrived at, the exiles were restored, and the ancient constitution was re-established (403 B. C.) The Athenians, with the French-like buoyancy characteristic of that people, did not waste time in avenging wrongs, or in mourning for losses. They annulled the acts of the Tyrants, proclaimed oblivion for past political offenses, and set to work to rebuild their shattered city.

III. Athens being prostrate, Sparta was without a rival on land or on sea. No Hellenic State was able to cope with the veteran and victorious Lacedæmonians, and their supremacy was acknowledged from Methone to the Hellespont. Oligarchies were set up in cities which had been allied to Athens, and Spartan governors administered the subject colonies. But the Spartans could not remain satisfied with the triumph they had achieved. The very nature of their institutions, and the necessities of their situation, impelled them to seek new fields of military enterprise. Their State was already demoralized by the spoils of conquest. The treasures of captured cities, the subsidies contributed by Persia to aid in the humiliation of Athens, and the bribes paid by States and individuals with a view of propitiating the goodwill of influential Spartans, added enormously to the wealth of Lacedæmon, and created a taste for the luxuries that wealth could procure. The very rich became more and more distinct in their manner of

life, their surroundings, and their associations, from their less fortunate fellow-citizens, and the latter were animated by a feverish desire to win riches for themselves. Cupidity took the place of patriotism, and the Spartan soldier was no longer content with the empty honors of victory. Nevertheless, the covenants of Lyeurgus were still nominally in force, and Lysander failed in his effort to substitute elective for hereditary royalty. The ephors, as representatives of the aristocracy, directed public affairs both at home and abroad; the kings were entirely under the control of the ephors, and the general body of citizens were seldom called upon to give their voice or opinion.

Persia offered a tempting field for the warlike ambition of the Lacedæmonians. The successful retreat of the ten thousand Greek mercenaries who had assisted Cyrus the Younger in his ill-fated expedition against his brother, king Artaxerxes II, had shown how easy it was for a comparatively small force of Greeks to penetrate to the heart of the great empire, and repulse the determined assaults of the barbarians. The effeminate Persians, with their bows and arrows, their small bucklers, and their light javelins, were no match for the heavy-armed Greeks, to whom they were likewise as inferior in military discipline and tactics as in personal courage. The empire was no longer a vast consolidated despotism, as under the first Darius and Xerxes. The succeeding rulers had been engaged in an almost unceasing conflict with rebellious kinsmen and revolted satraps, who either aimed to mount the imperial throne itself, or to establish themselves as independent princes. Numerous armies were levied in these various wars, but the multitudes impressed into the service, and feeling no interest in, and perhaps having no knowledge of, the issues at stake, fought without spirit or

enthusiasm, and scattered at the first shock of a bold and resolute foe. The producing classes were impoverished by the visits of the tax-gatherer, and all kinds of property, industry and trade, which could be made to yield a revenue, were loaded with heavy burdens. The king was a monarch only in name; his wife or his mother, or some powerful minister, was the actual ruler, and even the loyal friends of the nominal sovereign were sometimes sacrificed, in despite of the sovereign's will. Such was the condition of the empire whose weakness was made known to the world outside by the famous Retreat of the Ten Thousand.

A p.ayer from the Ionian cities to protect them against an impending attack by the satrap Tissaphernes, afforded the Lacedæmonians an excuse for invading the Persian dominions. The expedition was prosperous from the first; the barbarians were repeatedly vanquished, and the Spartans obtained an apparently firm foothold in Asia Minor. Agesilaus, the Spartan king, was sent to take command of the army. He gained a signal victory over the Persians on the banks of the Pactolus, accepted an enormous bribe from the satrap Tithraustus, the murderer and successor of Tissaphernes, drove the satrap Pharnabazus out of his province, and compelled the subordinate governors to recognize the supremacy of Sparta. Then, having entered into communication with revolted Egypt, he marched, at the head of twenty thousand Greeks, and an unnumbered multitude of Asiatics on the trail of the Ten Thousand, toward the capital of Persia (B. C. 394). But Persian diplomacy and Persian gold warded off the danger which Persian armies had vainly striven to avert, and a formidable confederacy of Grecian States was arrayed against Spartan domination. Agesilaus was recalled from Asia to defend his country, and from his return may be dated the beginning

of Lacedæmonian decline. Sparta continued for a quarter of a century longer to be the chief military power of Greece; but the naval battle of Cnidus, fought in the autumn of 394 B. C., when the Spartan fleet was partly captured and partly destroyed by an armament fitted out with Persian gold, and commanded by Conon, the Athenian, resulted in depriving the Spartans of the empire of the sea, and in stripping them of their insular and colonial possessions. Athens rebuilt in the following year the long walls connecting the city with the harbor, and gradually rose to be once more an influential and flourishing commonwealth.

A remarkable feature of the period between the recall of Agesilaus from Asia, and the establishment of Macedonian supremacy in Greece was the attitude of Persia toward the Hellenic States. This effete empire, contemptible as a military power, and wholly lacking in every attribute which commands the respect of nations, came to be recognized as the arbiter of Hellenic affairs, and was able to dictate the terms of a general peace, equally advantageous to itself and dishonorable to the Grecian commonwealths. Athenians, Lacedæmonians, Argives, and Thebans, sued for the favor, and deprecated the hostility of the Persian court, and Greece furnished the troops needed by the Persian monarch to reduce rebellious provinces to obedience. Thanks to the assistance of the Greeks, the palace of Susa was again able to restore the ancient limits of the empire, and to rule with despotic sway from Ethiopia to India, and from the Ægean to the Caspian. The Grecian cities of Asia Minor, in the cause of whose freedom Athens had, more than a century before, challenged the enmity of Darius, were now abandoned to Persian sovereignty, and Cyprus, whose king, Evagoras, had afforded a welcome asylum to the Athenian general, Conon, after the disastrous battle of Ægos-Potami,

was left to carry on a heroic and hopeless struggle against the united strength of the Persian empire. The cause of the predominant influence thus exercised by the court of Susa is readily explained. The Hellenic States no longer looked upon Persia as a power dangerous to Grecian liberty, while each prominent city feared that its liberties would be imperiled by the undue aggrandizement of any other Hellenic commonwealth. Persia, on the other hand, had a vital interest in maintaining a balance of power in Greece; and in not suffering any State to acquire a preponderance that would enable it to menace the existence of the empire. Persia controlled the sinews of war, and could supply the means for the equipment of fleets and armies, and many thousands of Grecian mercenaries could be hired to serve in any cause for pay. Persia, therefore, while no longer formidable as a foe to Grecian independence, was in a position to give preponderant aid to any Grecian State. The favor and countenance of the Persian monarch were eagerly sought by the rival republics, each anxious to be formally recognized as the head of Greece, and the empire was thus enabled to interfere not only in issues of national importance, but even in the local affairs of Grecian cities. The policy usually pursued by the Persian court was to feed dissension, and to help the weak to resist and humble the strong. By the attentive cultivation of strife between the Hellenic commonwealths, and by using Hellenic warriors to bring revolted provinces again under the imperial yoke, Persia in course of time recovered all her old dominions, and was able to oppose a compact front to the invading host of Alexander.

The unprovoked and unjustifiable seizure of the citadel of Thebes by the Spartans aroused general indignation and alarm, indicating, as it did, an evident design to subject not

only Bœotia, but all Greece to Lacedæmonian supremacy. A well-planned revolutionary movement resulted in the capture of the Spartan garrison, and the revival of Theban independence, and Athens led in the formation of a confederacy with the object of expelling the Lacedæmonians from Bœotia, and of breaking the domination of Sparta. The confederates were eminently successful, and the Spartans were so alarmed that they appealed to Persia to intervene in their behalf. The Persian monarch, inspired probably by dread lest a continuation of the war should result in making the Athenians dangerously formidable, graciously consented to act as arbitrator, a congress was assembled at Sparta, and the peace of Callias was ratified by the delegates from every State, except by Epaminondas, the representative of Thebes (B. C., 371). The victory won by the Thebans at Leuctra was a fatal blow to Spartan power, and the partial restoration of the Messenians and Arcadians to independence and self-government, rendered the once imperial city harmless and helpless. Thebes assumed the leadership among the Grecian States, and rapidly grew to be as arrogant as the people whom Thebes had humiliated, and the strange spectacle was witnessed of Athens and Sparta uniting to guard each other against the encroachments of a new and vigorous rival. The death of Epaminondas, (B. C., 362), deprived the Thebans of the commander who had trained them to victory, and relieved Athens from the fears which the ambitious aims avowed by the great chieftain had inspired in her citizens.

III. The decline of the martial spirit in Greece was nowhere more apparent than in Athens. Military service was no longer the duty of the citizen, but the business of the hired soldier. The young men seemed to have lost all taste for war, and aliens were paid to garrison the strong places

and do the fighting abroad. Licentiousness, luxury, and discord prevailed, and the public revenues were expended upon games and sports, instead of upon fleets and armies.

North of Mount Olympus loomed up a power whose aggressive designs menaced the independence of Greece. Macedon was a kingdom inhabited by Thracian and Illyrian tribes, with an admixture of Hellenic blood, and ruled by princes of the race of Heraclidæ. The earlier kings of Macedon had been kept too busy in attending to turbulent subjects and hostile neighbors to be influential abroad, but the throne was now occupied by Philip, a man of extraordinary military genius, and unmeasured ambition. A pupil of Epaminondas, he had while yet a youth become proficient in the tactics and strategy of Grecian warfare. He had drilled and disciplined the Macedonians and led them through one victorious campaign after another, until he had an army of hardy veterans, almost as superior to the degenerate Greeks as the latter were to the Persians. Having subjected the Hellenic settlements on the Macedonian coast, obtained the ascendancy in Thessaly, and added Thrace to his dominions, he aspired to no less a prize than the lordship of Greece, while his ultimate and crowning aim was to overthrow the empire of Persia, and become the despot of Europe and of Asia. The sentinel eye of Demosthenes discerned the rising danger, and his warning tones rang out like a tocsin-clang through heedless, wrangling Athens. Philippic followed philippic; but the eloquence that startled and thrilled, could not quicken the palsied republic into vigorous life. The Macedonian king managed by cajolery, bribery, and unimportant concessions, to prevent an open rupture until he saw a favorable opportunity to carry out his ambitious plans. When at length the Athenians became alive to a sense of their peril, Philip had

thrown off the mask, and fastened his gauntleted hand upon the throat of Greece. A force chiefly composed of mercenaries was sent to confront the formidable Macedonian phalanx. The destruction of their army at Chæronea seemed to awaken in the Athenians some of the old heroic spirit, and they prepared for a desperate defense of their altars and homes. But Philip was content with the victory that made him virtually the head of the Hellenic States, and did not attempt to impose his yoke upon the humbled democracy.

With the establishment of Macedonian supremacy on the ruins of the Persian monarchy, Greece lost her pivotal position among the nations of the earth. The Hellenic language, arts, and literature, were no longer confined to the country known as Hellas, and the contiguous coasts and islands. Grecian civilization was introduced wherever Alexander carried his triumphant arms, and the conquered east claimed an inheritance in the traditions and the glories of the Hellenic name. The kingdom of the Ptolemies, and the great monarchy founded in Asia by Seleucus Nicator, completely overshadowed the mother-land. Alexandria became the wealthiest and most splendid city of the world, the seat of learning and of refinement, and the resort of master intellects in every branch of knowledge. Philosophers, poets, grammarians, geometers, painters, and sculptors were invited to the Egyptian court, and associated with royalty on terms of easy and familiar intercourse. The famous library, instituted by the first Ptolemy, and largely added to by his grandson, offered a rich field for study and research, while the Museum afforded a pleasant home to the favored devotees of science. Thus the great men whom Greece produced were tempted from their native cities by the munificence of intelligent princes, and Greece, in addi-

tion to the loss of political importance, likewise lost her pre-eminence in the domain of letters and of the arts.

The Macedonian kings regarded the Hellenic territory as a part of their dominions, and although their claim to sovereignty was never fully acknowledged or enforced, the pretense gave rise to frequent and destructive wars. The Athenians, who had enjoyed the forms of freedom under Philip and his son, revolted after the death of Alexander. Demosthenes, who had been exiled without a fair trial on a charge of accepting bribes, joined other patriotic orators in arousing the Grecian cities to strike for freedom. A confederacy was organized, and a formidable army marched to resist the advancing Macedonians. The confederates defeated the first force sent against them, but in a second battle they were utterly overthrown. Athens surrendered to Antipater, the Macedonian leader, who, as a safeguard against future insurrection, placed a garrison in the fortress of Munychia, to overawe the city. At the demand of the tyrant, Demosthenes was condemned to death by the country to whose cause he had devoted his life, and he took poison in order to escape the ignominy of a public execution. Antipater established an aristocracy of wealth, by depriving all those not possessed of an estate worth two thousand drachmæ of the franchise; and the administration of the city was thus confined to about nine thousand persons.

After the death of Antipater, Athens fell under the control of Cassander, subsequently king of Macedon. He appointed Demetrius, the Phalerean, governor. Demetrius ruled with moderation, and did much to restore the magnificence and beauty of the despoiled capital of Greece. The Athenians, who had once been so chary of rewards even to their most eminent generals, erected no less than three hundred statues to Cassander's gracious

viceregent; but when Demetrius Poliorcetes made war upon Cassander, ostensibly as the champion of Grecian liberty, the citizens turned against their benefactor, and compelled him to depart. Demetrius Poliorcetes gave the Athenians ample powers of self-government, and did not even station a military force in the neighborhood of the city. So extravagant were they in their expressions of gratitude that they built altars to Demetrius and to his father, Antigonus. When, however, the fortunes of Demetrius began to wane, the fickle democrats turned against him, as they had turned against his predecessor, and denied him admission within their walls. Demetrius succeeded in regaining possession of the city, and instead of punishing the people for their treachery, he received them again into favor; at the same time taking care to provide for contingencies by strong garrisons. What the degenerate Athenians could not achieve by force, they accomplished by bribery, and for a brief season they were again their own masters.

The lot of Sparta was far more gloomy than that of her ancient rival. When Alexander, as general in-chief of the confederate Greeks, led his army to the conquest of Persia, the Spartans remained sullenly aloof. The social and political condition of the State grew worse year by year. The ephors, as representatives of the ruling families, were jealously oppressive in their administration, while the kings, no longer called upon to lead armies, retained but little more than the insignia of royalty. Agis IV, who endeavored to reform the State, and restore the old order of things, was put to death by the ephors. Cleomenes accomplished what his predecessor had vainly attempted. He put the ephors to death, crushed the oligarchy, admitted a number of the provincials to citizenship, and made a

re-distribution of landed property. All Spartans were placed on an equality with each other; every able-bodied male citizen of military age was required to serve in the army, and strict discipline was enforced. The martial temper and ambition of Cleomenes prompted him to make an effort to extend the Spartan dominion; but the venture proved fatal to himself and to Sparta.* No further effort appears to have been made to stay the descent to ruin. A semblance of the ancient constitution was maintained for a brief period, but Sparta soon fell under the dominion of tyrants upheld in authority by foreign mercenaries.

V. The decline of Greece was stayed for a time by the rise to prominence and to power of leagues or confederations composed of States which had taken little or no part in the glorious events of earlier Grecian history. While Athens and Sparta were wasting their resources in a prolonged struggle for supremacy, the *Ætoli*ans and *Achæans* enjoyed peace in obscurity, and husbanded their strength. Afterward, when Athens was enslaved, and Sparta was sullen and paralyzed, and the *Macedonian* empire was rent by the rivalry of contending princes, the *Ætoli*ans and *Achæans* stepped forward, fresh and formidable, as arbiters in Greece.

The *Ætolian* League rose into importance soon after the death of Alexander the Great. The League was a confederacy of tribes or nationalities, not of cities, and the sovereign power was vested in a general assembly of all the

*Cleomenes, having been defeated by the *Macedonians* at Sellasia, fled to Egypt, where he was well received by the king, Ptolemy III. The infamous Ptolemy IV did not respect the right of asylum, granted by his father to the unfortunate prince, and Cleomenes, in despair, endeavored to arouse Alexandria against the tyrant. Finding that his appeals to the people met with no response, he killed himself. His wife and children were slain by order of Ptolemy.

citizens of the League. The general assembly met in the autumn of each year, and decided upon peace or war, and elected the military and civil officers of the confederation. A grand committee, known as the *apocleti*, appears to have prepared the subjects to be submitted to the assembly, and there is some reason to believe that this committee may have been a permanent administrative body. Election was by lot; that is, the assembly probably nominated several candidates, from whom one was elected by lot. A number of black beans and one white bean were placed in a vessel, and the candidate who drew the white bean obtained the office.

The chief magistrate of the League was called a *strategus*, and his command, as his title indicates, was chiefly of a military nature. He convoked the assembly and presided over it, and he introduced the questions for deliberation, but he could not take part in deciding upon a declaration of war, or the negotiation of peace. The motive for this prudent restraint was to prevent the chief magistrate from involving the confederacy in war in order to aggrandize himself. The other federal officers, besides the *strategus*, were the *hipparchus*, or commander of the cavalry, and the public scribe. The citizens of the several States belonging to the League enjoyed isopolity, or equal civil rights in every one of the confederate States.

The Achæans threw off the Macedonian yoke, B. C., 281, and formed a political union, which, about four years later, became firmly consolidated. The fundamental law of the League was that its members formed one inseparable union, each member being on an equal footing with every other member, and all being bound to obey the federal government and its executive officers. In affairs of a general nature the League was to act as a unit, and no State could

treat with a foreign power, without the consent of the confederation. The general assemblies of the League were held twice a year, in the spring and in the autumn, and on occasions of urgency extraordinary meetings might be convened. Every citizen, rich or poor, who had attained the age of thirty, might take part in the assembly, and speak upon any measure. A select committee, or council, prepared subjects for deliberation and decision by the general assembly, and probably acted in an administrative and executive capacity when the assembly was not in session.

The general assembly elected federal officers, decided questions of peace and war, and voted upon the reception of States proposed as members of the League. The assembly also tried magistrates accused of treason or other crimes, and specified their punishment, and sometimes appointed judges to investigate accusations. The assembly also decreed rewards and honors to those officers who had distinguished themselves in the service of the confederacy. Ambassadors from foreign States appeared before the assembly, and explained their missions, and the assembly discussed the subject, and resolved upon the nature of the reply to be returned. Votes were given according to States, each State, great or small, having one vote.

The principal officers of the League were the two *strategi*, or generals; but subsequent to 255, B. C., there was but one *strategus*, who commanded the army. The *strategus* was assisted by a lieutenant, and by a *hipparchus*, or chief of cavalry.

No State belonging to the Achæan League was allowed to send embassies to a foreign power on its own responsibility, even to treat of matters of merely local importance, but every town might manage its own affairs in its own way, as long as that way did not run counter to the general interests

of the League. No town could accept presents from any foreign power, this prohibition being intended to prevent the undermining of the confederacy by corrupt influences from abroad.

The energy, patriotism and military genius of Philopœmen nearly accomplished the federal union of the Grecian States; but the time had gone by when Greece united was invincible. A nation of warriors had arisen in the west whose military system was the most perfect the world had known, who were trained to conquest, and did not recognize defeat. These were the Romans. Philopœmen was careful not to give Rome any pretense to abolish the shadowy independence which Greece enjoyed under Roman protection. But after the sad and untimely death of the great leader, less prudent councils prevailed in the administration of the League, and the Achœans had the temerity to court a conflict with the power which had defeated Hannibal, compelled the king of Syria to sue for a dishonorable peace, and forced the last occupant of the Macedonian throne to adorn a Roman triumph. The result might have been foreseen. The Achæan army was utterly routed, Corinth was razed to the ground, and the States constituting the League were reduced to the common condition of vanquished nations (B. C., 146). The capture of Athens by Sylla (B. C., 86,) completed the subjection of Greece. The Romans allowed to the Hellenic cities the forms of self-government, as far as compatible with Roman supremacy. The people were ruled by their own laws, and elected their own magistrates, and shared in the prosperity and the decay of the empire.

CHAPTER VI.

THE ROMAN COMMONWEALTH.

Part I.—Social and Political Condition of the Early Romans—The Curia—The Gens—The Tribe—The Patricians and their Clients—Assemblies of the Curiae—The Senate—The King—The Commons—Institution of the Assembly of Centuries, or Roman Civic Army—The Citizens Divided into Tribes, and Ranked according to their Property—Powers of the Assembly of Centuries—Forms of Voting, of Election, and of Public Trials—The Centuries gradually Amalgamated with the Tribal Organization—Change in the Meaning of the Word “Tribe”—Form of Voting in the Centurian-tribal Assembly.

Part II.—Causes of Strife between the Aristocracy and the Commons—All Political Power in the hands of the Upper Order—Authority and Dignity of the Consuls—Civil Dissensions—A Dictator Appointed, and Peace Restored—The Commons Resolve to Abandon the City—A Union Agreed upon—Appointment of Tribunes—The Agrarian Issue—Respectability of Landownership—The Public Domain held by the Aristocracy—The Consul, Spurius Cassius, Proposes to Divide the Public Lands among the Landless—He is put to Death—The Aristocracy more Arrogant than ever—The Commons Mutiny—A Compromise—The Agrarian Agitation Resumed—The Aristocracy Resort to Secret Assassination—Proposition to Establish a General Assembly of Tribes—Determined Resistance by the Aristocracy—The Measure Carried, and the Number of Tribunes Increased—The Roman Commons Alone in their Struggle for the Rights of Man.

I. The forms of social and political organization which prevailed in early Rome bore an intimate resemblance to the Athenian system of tribes, clans and houses. The

members of the Roman *curia*, like those of the Athenian *phratría*, were united by common religious worship, and the *curia*, or public hall, which served for the celebration of sacred rites, was likewise used as a place of meeting for the transaction of public business. Each *curia* had its priest, who was supported by the members of the *curia*, and the district or territory of the *curia* was defined by metes and bounds. The Roman *curia* in primitive times was, therefore, a political and religious division of the State, not dissimilar in some prominent features from a parish of early Massachusetts Bay. The *curiæ* were subdivided into *gentes*, or houses. The *gens* was a union of several families bound together by the ties of kinship and intermarriage, and bearing one gentile name. There is no proof that the members of a *gens* were descended from a common ancestor. A *gens* was probably in the beginning an aggregation of families clustered together for mutual protection and social intercourse, and known by the name of the most powerful and influential member of the *gens*. The families would become knit to each other by intermarriage, just as is the case in many towns of New England, where almost every old resident is a relative, near or distant, of other old residents. The members of a *gens* had, therefore, a natural as well as a legal right to divide among them the property of a person of the same gentile name who died intestate and without direct heirs. In the family the father was supreme, and rebellion against him was held to be most criminal and unnatural.

As an aggregation of families constituted a *gens*, and an aggregation of *gentes* a *curia*, so several *curiæ* formed a tribe. The original patrician tribes were three in number, and were composed—according to tradition and history—of the earliest settlers of Rome. For a long period subsequent

to the foundation of the Roman State, the members of the *gentes* which constituted the three original tribes were the only Roman citizens, all other inhabitants of Rome being subordinate and inferior to the ruling class. The dependents, or retainers of the *gentes* formed a class known as *clientes*, or clients. The ties between the clients and the gentile families were very close. The clients followed the fortunes of their patrician protectors, and faithfully served them in peace and in war. The latter were equally devoted to their clients, and furnished them with food, and sometimes with money, and watched over their interests generally.

The assemblies of the *curiæ* were known as the *comitia curiata*. These assemblies were summoned by the kings for the election of magistrates, the making and abrogation of laws, and the judgment of capital causes. The people met together, and, if the augurs reported the omens to be favorable, the business proposed for consideration was stated. The citizens then divided into their *curiæ*, and consulted. Voting was in primitive times *viva voce*, and, at a later period, by tablets, or ballot. A majority of votes carried the voice of the *curia*, and a majority of the *curiæ* was the voice of the Roman people. The *curiæ* also met, at the call of the College of Pontiffs, to listen to statements in regard to days to be observed as holy, and other matters affecting religion. On such occasions there was no voting. The high priest presided, and, when he had made his announcement, the people were dismissed.

The Senate was a council, composed, as its name indicates, of persons advanced in years. The members of the Senate were, according to the weight of the ancient authorities, appointed by the king. Learned modern writers on Roman history and civil government have advanced the opinion that the Senate was an elective body, but there is

no evidence to sustain such a theory. It is extremely reasonable to suppose that in nominating senators the king was guided to some extent by the popular will, but his power to nominate appears to have been unquestioned. The senators were at first two hundred, afterward three hundred in number. They held office for life. They named the king, and their choice was confirmed by the citizens in the assembly of the *curiæ*. No measure could be passed upon by the people until the Senate had first sanctioned it; whereas a resolution of the Senate had force even without popular approval. The jurisdiction of the Senate was undetermined and extensive, but properly included the control of the finances, the guardianship of religion, the management of foreign relations and of internal police, and—during an interregnum—the supreme direction of affairs.

The king was the chief executive officer of the State. He was elected for life. He presided in the Senate, and supervised the prosecution of crime, and the administration of private justice. He commanded the armies, and exercised absolute authority beyond the immediate neighborhood of the city.

A population gradually grew up in the vicinity of Rome, unconnected by ties of kindred or clientage with the original inhabitants. Conquered Latins, and refugees from the adjoining States sought the protection of the Romans, and were allowed to settle outside the walls. They could not intermarry with the families of citizens, but possessed property, regulated their own affairs, and chose judges for the decision of ordinary controversies at law between members of their order. This class formed the *plebs*, or commons, of Rome. They fought in the Roman armies, some of them won distinction in the service of the State,

and many attained wealth. A number of the latter were elevated to patrician rank, being known as the lesser houses, and voted after the old nobility in the *curiæ* and in the Senate.

Such was the crude constitution of the Roman State when Servius Tullius established the assembly of centuries, and gave to the commons, in proportion to their wealth, a voice in public affairs. Servius Tullius divided the whole city and territory of Rome (except the capitol, which was sacredly reserved for the patricians) into thirty tribes, or regions. The thirty tribes contained all Romans not belonging to the gentile families. Four of the tribes were of the city, and twenty-six of the country. The commons were to meet in their thirty tribes for the management of matters pertaining to their order, and the patricians were to meet, as before, in their *curiæ*. The assembly of centuries included all Roman citizens, patrician and plebeian, the latter being classed according to their estates, and to the position in the Roman army to which their estates entitled them.* To the six centuries of patricians were added twelve centuries of knights, selected from the richest members of the commonalty, and continuing to belong to the thirty tribes of the commons. All these were horsemen, and formed the Roman cavalry.

The foot soldiers were divided as follows: All the commons whose property qualified them to serve in the phalanx were separated into four classes. The first class, or front rank, were required to provide themselves with greaves, coat of mail, helmet and round shield of brass, a sword, and a long pike for resisting cavalry. These formed eighty

*Whether the patricians themselves were enrolled in the classes, and voted in the centurian assembly, seems to be in doubt. It is probable, that, whether enrolled or not, they seldom, if ever, in early times, attended the public meetings.

centuries, forty of men between the ages of fifteen and forty-five, and forty of elders between forty-five and sixty. The first forty centuries were to serve in the field, and the second to repel invasion. The property qualification for these eighty centuries was an estate amounting to, or exceeding in value, one hundred thousand pounds weight of copper. The second class contained those whose property amounted to, or exceeded, seventy-five thousand pounds weight of copper, and was less than one hundred thousand pounds weight. They formed twenty centuries, ten of young men and ten of elders. Each member of these centuries had to bear a *scutum*, or large oblong wooden shield, instead of the *clipeus*, or round brass shield, of the first rank of the phalanx, and was allowed to dispense with the coat of mail. The third class was composed of those whose property was between fifty thousand and seventy-five thousand pounds of copper. They numbered twenty centuries, ten of younger men, ten of elders, and were allowed to dispense with the greaves and coat of mail. The lowest point of property qualification for the fourth class, was twenty-five thousand pounds of copper. This class numbered twenty centuries of younger and elder men. They were not required to provide defensive armor, but went to the battle-field with pike and javelin. The fifth class numbered thirty centuries, and included those whose property was valued at from twelve thousand five hundred pounds of copper to twenty-five thousand. They formed the regular light infantry, armed with darts and slings. Citizens whose property was less than twelve thousand five hundred pounds of copper, were supernumeraries in this division. Those who had over fifteen hundred pounds of copper, formed two centuries. They followed the army without having arms, and were only required to step into

the places of those who fell. When not called on to fight, they acted as orderlies for the centurions and decurions. Besides these was one century of *Proletarii*, whose property was between three hundred and seventy-five pounds of copper and fifteen hundred pounds. They paid no taxes, and were only summoned to military service on occasions of emergency. Below the *Proletarii* were the *Capite Censi*, one century, who were counted by their heads, paid no taxes, and performed no military duty until a late period in the history of the republic.

Three centuries, not ranked according to property, but their occupations, were the carpenters and smiths, the horn-blowers and the trumpeters. The carpenters and smiths were attached to the first century of the phalanx, a position which indicated that the early Romans fully comprehended the importance of the mechanical arts in warfare. The trumpeters and horn-blowers were assigned to ensigns and troops, while some stood near the chief eagle in a ring, close to the commanding officer. The clients of the patricians, though they voted according to their property in civil affairs, attended their patrons in the field.

The assembly of centuries decided whether war should be declared, when the question was submitted by the Senate (though not upon peace, the sanction of which was within the province of the Senate alone); tried high crimes, and (after the overthrow of the monarchy) elected the consuls, who, however, received the *Imperium*, or warrant of high jurisdiction, from the assembly of the *curiæ*.

When the centuries were summoned together for the purpose of electing magistrates, they gathered in the Campus Martius, or Field of Mars. The presiding officer—usually one of the consuls—stated the names of the candidates, and recommended those whom he thought most

worthy of election. He was not obliged to name such candidates as were legally disqualified from holding the office to which they aspired, and might even declare that he would not recognize as valid the election of any person so disqualified, whose name was already before the people. The votes were given in early times *viva voce*. The *rogatores*, whose duties were similar to those of inspectors of election in American cities, stood at the entrance of an enclosure, and asked each citizen, as he passed along, for whom he voted. The citizen gave the name, and the *rogator* made a dot, or point, against the name of a candidate for every vote in his favor. Thus the term "*Omne tulit punctum*," (he took every point) signified a unanimous election. When all had voted, the points were counted, and the name of the successful candidate stated by the *rogatores*, and afterward formally announced by the president.

If the assembly had been called for the purpose of considering a legislative measure, the presiding magistrate stated the proposed law, and usually supported its enactment in a brief address. He then granted permission to others to speak upon the subject, and, after the matter had been sufficiently discussed, he called upon the people to prepare to vote. If the number present was small, the president might adjourn the assembly to another day, but this was rarely done. The people being ready to vote, the *rogatores* took position at the entrance of the inclosures. The voter expressed approval by the words *Uti rogas*, (As you say) and dissent by *Antiquo* (I forbid). A majority of the votes of a century determined the vote of the century.

When the people met to decide the guilt or innocence of an accused person, the president stated the alleged crime, and the nature of the penalty which would follow conviction. He then allowed such as desired, to speak in

favor of the accused or against him. If the assembly broke up without coming to a decision, it was tantamount to an acquittal. If a vote was arrived at, each citizen stated his verdict in the words, *Absolvo* or *Condemno*.

When vote by tablet, or ballot, was introduced, every citizen received two tablets (if the assembly was for the consideration of a proposed law), with the letter U. on one tablet, for *Uti Rogas*, and therefore signifying assent, and the letter A. on the other, for *Antiquo*, signifying disapproval. If the meeting was for the election of magistrates, blank tablets were furnished, on which the voter wrote the name of his nominee. In judicial assemblies two tablets, one with A. upon it, for *Absolvo*, and the other with C. for *Condemno*, were furnished, and it is also alleged, though on doubtful authority, that there was a third, containing the letters N. L. for *Non Liqueat*, and signifying that the voter could not arrive at a judgment on the evidence.

In the Campus Martius were *septa*, or inclosures, into which the classes of citizens were admitted to vote, one after the other; the knights and the wealthiest of the footmen first, and so in order down to the lowest. But the last class was seldom called upon, as its decision would have no weight, unless in case of a disagreement between the knights and the wealthy footmen.

The property classes, with their centuries, gradually became absorbed in, or amalgamated with the tribal organization. Originally a tribe was a part of the territory of the State, similar to a city ward, or a country district, and the citizens living within the district were members of the tribe. The territory and population of Rome were greatly reduced by the aggressions of enemies whom Tarquin the Proud, after his expulsion from the throne,

enlisted in the cause of his restoration. The storm passed over, and left Rome battered and dismantled, but independent. The number of tribes was diminished to twenty, sixteen rural and four of the city. But the young commonwealth soon recovered its lost ground, and entered upon the career of conquest which was to end in making Rome mistress of the world. The city grew far beyond its ancient bounds, and more tribes were added until the number reached thirty-five. The signification of the word "tribe" also underwent a change. From meaning a region, or district, it came to mean a civic division, a company of citizens, named after some family of distinction and influence in the tribe. The transformation was not brought about arbitrarily, but by persons removing from one part of the State to another, and still being retained on the roll of the tribe to which they belonged; while some, for social or political reasons, sought new tribal affiliations, and did not change their places of abode.

Membership and the right to vote in a tribe did not depend upon the ownership of property. Every tribesman was the equal of his fellow as far as civil rights and privileges were concerned, and all met on a level in their tribal assembly. But in the assembly of property classes according to their tribes the organization was very different. The citizens of each of the thirty-five tribes were divided into five property classes, each class consisting of seniors and juniors, so that each tribe contained ten centuries, and all the tribes three hundred and fifty centuries, a number corresponding with the number of days in the Roman lunar year. The five ancient classes continued to exist as before, but incorporated in the tribes.

Of the ten centuries in each tribe two were of the first class, one of seniors, the other of juniors; two of the

second, two of the third, two of the fourth, and two of the fifth, all distinguished similarly to the first. The horsemen appear to have been included in the centuries of the first class. The three centuries of carpenters and smiths, hornblowers and trumpeters had ceased to exist.

Previous to each assembly a large space in the Campus Martius was fenced in, and divided into compartments for the several tribes; and, in later times, a stone building was erected, with compartments for the classes, as well as for the tribes and centuries. Access to these compartment was obtained by narrow gangways called *pontes*, or bridges. On entering their respective compartments the citizens received their tablets, and after consultation, passed out over another narrow gangway, throwing their votes into a chest which was watched by *rogatores*. When the voting was finished, the *rogatores* collected the tablets and entrusted them to the *diribitores*, or marshals, who classified and counted the votes, and handed them to the *custodes*. The last-named officers ascertained the result by entering a puncture on a tablet for every vote cast for each candidate. There is doubt as to whether the majority of centuries in a tribe carried the vote of the tribe, and a majority of the tribes carried the vote of the assembly, or whether a majority of the whole number of centuries was requisite. Notwithstanding respectable opinions to the contrary, I am inclined to believe that the vote of a tribe was given solidly; that the prerogative tribe was ascertained by lot, and the centuries of that tribe then cast lots to see which should be the prerogative century. The lucky century having voted, the other centuries of the tribe then deliberated whether they should vote the same way or not, and, after deliberation, proceeded to ballot at once. The will of a majority of the centuries having been ascertained, the vote of the tribe was

cast accordingly. The centuries of the other tribes then voted in regular order.

The effect of the institution of the assembly of centuries was to give a preponderance of political power to the two upper orders, the patricians and the horsemen, and the wealthiest of the footmen. The consuls could be nominated only from the ranks of the patricians, and, after the election of those officers by the centuries, the assembly of the *curiæ* ratified the popular choice by bestowing the *Imperium*, or warrant of absolute command in the field.

The consuls were elected for one complete year, and were required to take an oath, within five days after being inducted into office, that they would protect and observe the laws of the republic, and not attempt to restore the royal government, or allow any one else to do it.* They were the highest judges of civil and criminal causes. They presided over the Senate, proposed subjects for consideration, and submitted such measures as the Senate had approved to the judgment of the assembly. They levied and led the armies of the commonwealth, and were vested with unlimited discretion in the management of military affairs. The marks of consular authority were the white robe edged with purple interwoven in the garment, and the twelve lictors who went before one consul one month, and another the next. The lictors acted as public executioners in scourging and beheading, and the axe and rods which they bore were the weapons of their office, and significant emblems of the consul's supreme authority. When the

* In later times the clause of the obligation in regard to the restoration of royalty was omitted, and magistrates, when their term of office expired, were required to swear in presence of the people, that they had done nothing against the republic, and had done their utmost to promote its welfare.

consul approached, people uncovered their heads, or, if on horseback, they dismounted, or, if sitting, they rose up.

The revolution which overthrew the monarchy aggrandized the Senate. In the troublous times that followed Tarquin's expulsion it was of vital importance to the salvation of Rome that there should be a body of men at the head of affairs who could deliberate secretly, act promptly, and be obeyed implicitly. Such a body was the Senate, which, with the consuls as its executive officers, administered and directed everything, and was sustained by the hearty co-operation of the aristocracy whom it represented. The commons, on the contrary, were greatly oppressed, and deprived of many of the privileges which they had enjoyed under the kings. Severe laws for the benefit of the creditor class were rigorously enforced, and even faithful service in war did not secure to the poor debtor immunity from chains and bondage. At length the commons mutined, and refused to enlist. The consuls were unable to quell the insurrection, and the Senate saw no escape from the dangers without and within but by the investment of one person with despotic power.

The new magistrate was entitled a "dictator." He was named by the Senate, and the patricians in their *curiæ* confirmed the nomination, and granted the *Imperium*. The dictator could punish as he pleased, without consulting the Senate or the people, and from his sentence lay no appeal. He could proclaim war, levy forces, and conduct a campaign in the way that seemed to him best. During the six months of his rule he was absolute. He was not trammelled, like the consuls, by legal forms and restrictions. His word was law, and the execution swiftly followed the design. No body of malcontents could successfully withstand the power of the State thus wielded by one arm, and order was restored in Rome.

But the causes of strife remained. The patricians continued to fill the high offices, and to exercise a preponderant influence in the Senate and assembly. The condition of the populace was but little above that of slaves, and the single advantage of servitude was denied them—exemption from military duty. How desperate their situation is shown by the resolution at which they arrived—to leave Rome to their oppressors, and build a new city for themselves. The commons abandoned their homes, and the governing class was left without a class to govern. Ruin seemed to be impending over the commonwealth. An attempt to force the seceders to return could result only in civil war, and give Rome's enemies a chance to destroy both the contending parties. Fortunately prudent counsels prevailed, and the Senate made overtures for a reunion. The commons demanded a general cancellation of all the obligations of insolvent debtors; the release of those whose bodies had been seized by their creditors; and the appointment of two officials as protectors of the lower order. On these terms a settlement was arrived at, the patricians swearing to hold sacred the persons of the proposed officers, who were to be chosen by the centurian assembly in the Field of Mars; and whose duties should be to watch over the interests of the commons, and interfere in individual cases of persecution and oppression.

The two magistrates thus elected were called tribunes, or tribe-masters, a name previously applied to the head men of the plebeian tribes. As the two consuls represented the aristoeracy, so the two tribunes were the representatives of the commonalty. The tribune was not preceded by an imposing company of lictors. He wore no purple, and occupied no curule chair; but the strength of the multitude was behind him, and the sanctity of his person was seldom violated even by the haughtiest of the nobility.

The agrarian issue soon gave the tribunes an opportunity to show their mettle in a conflict with the patrician order. In Rome the ownership of land was highly honorable. The landholder was regarded as having a stake in the country, and his property distinguished him from the common herd who were only counted by their heads. Agriculture was held in esteem, and a title to a few acres assured a frugal living and a position of respectability and independence. The State had acquired by conquest an extensive public domain, the best part of which had been appropriated by the aristocracy. The holders were nominally bound to pay to the State one-tenth of the produce of the arable land, and one-fifth of the fruit of olive-yards and vineyards. They carried on cultivation mainly by the labor of slaves, and ignored the claim for tithes; this, too, while many of the commons were anxious to become owners of the soil which their valor had subjected to Rome.

A consul, Spurius Cassius, proposed, in the year of the city, 267, that a division be made of a part of the public lands, and tithes exacted for the remainder. The proposition was enacted into law. But the patricians had their revenge. No sooner was the consular year ended than Cassius was arraigned before the assembly of the *curiæ* on a charge of treason, in having plotted to make himself king. He was convicted, scourged and beheaded, and his house razed to the ground. The fate of their champion struck terror into the multitude, and no effort was made to enforce the division of the public domain. The aristocracy became more arrogant and overbearing than before, and even took away from the commons the form of electing the consuls in the assembly of the centuries, and named those magistrates in the *comitia curiata*. Caius Mænius, a tribune, succeeded

in arousing his constituents to resist the usurpation, and they refused to serve as soldiers, or to furnish money for the support of the government, unless the patricians should surrender back those rights and privileges of which they had robbed the people. A compromise was arrived at between the two orders. It was agreed that the centurian assembly should nominate one consul, and the patricians the other.

For a brief season harmony reigned in Rome. But the commons resumed the agitation for a division of the State domain, and the dormant spark of faction hate was soon fanned into flame. The consuls, chosen from the patrician ranks, upheld the interests of their order, and threw every possible obstacle in the way of the execution of the agrarian law. The tribunes, emboldened by the increasing resolution and firmness of their constituents, were not backward in bringing matters to a crisis, and two of the contumacious consuls were impeached before the people on the expiration of their term of office. Baffled in fair and open contest, the aristocrats resorted to the dark and secret methods of assassination, and Genucius, one of the accusing tribunes, was found dead in his bed on the day before that appointed for the trial of the consuls. Nor did the assassins stop at one life. Murder followed murder until the most active leaders of the commons were cut off, and the multitude shrank in terror from a danger they could neither brave nor avoid. But some courageous spirits remained who could neither be awed by assassination nor cowed by tyranny. One of these was Volero Publilius. When the consuls proceeded to levy troops, Publilius was among the men called to the ranks. He had been a centurion, but now was summoned to serve as a common soldier, this indignity being intentionally put upon him

because, as a citizen, he was not sufficiently submissive to the patrician oligarchy. Publilius refused to submit to the degradation. The populace rallied around the man whom it was sought to humiliate as a champion of their cause, and drove the magistrates from the forum. No further attempt was made to enforce the obnoxious consular mandate. In the following year Publilius was elected a tribune, and he at once set about to effect a constitutional change which would make the commons more independent of the upper rank, or at least secure to them protectors upon whose sympathy and fidelity they could rely.

The patricians usually exercised a predominating influence in the assembly of centuries. The knights and the richest of the plebeians fell in with the schemes of the higher order, and even the choice of tribunes was often dictated by the very class against whose encroachments they were assumed to be vigilant sentinels. It was only when aroused by some act of intolerable arrogance that the wealthy and the poor of the commons united in solid phalanx. To deprive the aristocracy of their undue control over the election of tribunes, Publilius proposed that those officers be chosen by the tribes of the commons. The tribes met to transact business once in eight days, the Roman week; but two weeks notice had to be given of the subject to be submitted to their action. When the proposition framed by Publilius was to have come up for adoption or rejection, the patricians managed, through their tools in the commons, to consume the entire time, until sunset, in dilatory discussion; and this was done week after week, until the year passed away. The motive for this obstructive course was the expectation of securing the election of tribunes who would be more pliable, or less obstinate and aggressive than Publilius. The hope was, however, disappointed; the

commons stood by the man who had proven himself a faithful guardian of their rights, and chose for his colleague Caius Lætorius, fully the equal of Publilius in resoluteness of character and devotion to the popular cause. The proposed law was made more sweepingly radical by adding to it a provision that the commons should have the power to pass upon State affairs in general, as well as those which affected only their own order.

Appius Claudius, one of the consuls, determined to use force to defeat the enactment of the obnoxious and revolutionary measure, and when the day for its consideration arrived, he occupied the forum with a numerous band of clients. Lætorius summoned the tribes to vote, and ordered all persons not belonging to the tribes to depart. Claudius stirred up a tumult, and even came to blows with Lætorius. The multitude defended their tribunes, repulsed the consul and his retainers, and seized the capitol. The commons being thus masters of the city, the patricians were constrained to yield. The people enacted, and the senate approved the Publilian Law, and the tribal assembly was thenceforward the popular legislature of Rome, in which every citizen voted without regard to his property. The number of tribunes was increased to five, and later to ten, and the influence of those officers grew to such an extent that ambitious patricians surrendered their noble associations for the privilege of being guardians and leaders of the commons.

The assembly of tribes met, like the centuries, in the Campus Martius. Citizens were summoned to the meeting, in early times, by *viatores*, or public messengers, and, at a later period, by notices displayed in conspicuous places. The tribunes usually presided in the assembly, the tribune who had called the people together acting as president.

When a legislative measure was to be proposed, notice was published for two Roman weeks, and the same when the tribes were called to try criminal accusations. When a proposed enactment was under consideration, any person might speak in favor of or against it, though private individuals were required to ask permission from the presiding magistrate. After discussion, the tribes separated into their several inclosures. Which of the thirty-five tribes should vote first was decided by lot. The question of casting the first vote was very important in Rome, as the verdict of the prerogative tribe often determined the decision of the assembly. The manner of collecting and classifying votes was similar to that in the *comitia centuriata*. If two candidates had an equal number of votes, the choice was ascertained by lot.

The judicial power of the tribal assembly was limited to the infliction of fines, although accused persons sometimes went into exile sooner than await a trial. The decision of capital cases was properly within the province of the assembly of centuries. The tribal assembly might, like the assembly of centuries, adjourn to another day, or disperse without passing upon an accusation, and a breaking up of the assembly was equivalent to an acquittal.

The commons of Rome stood alone in their stubborn struggle for the emancipation of the many from the tyranny of the few. They had no sympathizers among the neighboring States. Veii and the other Etruscan oligarchies knew but two classes, the nobility and their vassals. A free commons, sharing in the government of the commonwealth, was no part of their political system. Kings were sometimes chosen for life, and the office of priest was hereditary. The aristocracy dictated, and the people obeyed. The governing class of those cities regarded Rome, with its aggressive freemen, ever extending their encroachments on the hereditary immunities of the privileged order, much as Europe's royal and imperial rulers regard the democracy of the United States.

CHAPTER VII.

ROMAN JURISPRUDENCE.

- Part I.—Institution of Written Laws—The Decemvirate—The Laws of the Twelve Tables—Freedmen Enrolled in the Tribes—Patrician Privileges Confirmed—The Commons Debarred from the Public Lands—Paternal Authority—Emancipation—Status of an Emancipated Son—The Disposal of Property by Will—Descent of Property—A Woman a Ward all her Life—A Contract of Marriage—Lawful Marriage—Marriage by Use—Regulations against Celibacy—Condition of a Married Woman—The Roman Matron.
- Part II.—Crimes against Property—Injuries to the Person—Penalties of Crimes—Public Trials—Appeal to the People—Special Acts of Pains and Penalties Prohibited—Bail for Accused Persons.
- Part III.—Forms of Contract—Conveyance of Property—Methods of Procedure in Civil Actions—Inhuman Laws for the Recovery of Debt.
- Part IV.—Roman Jurisprudence in the Age of Cicero—The Code of Procedure—Dignity and Authority of the Prætors—Public and Private Actions—The Roman Laws Proper—The Plebiscita—Laws of a Private Nature—Decrees of the Senate—Trial by the Popular Assembly—Crimes which were the Subject of Public Prosecution—The Right to Prosecute Criminally—Forms of Criminal Prosecution—The *Judices Selecti*—The Trial—*Procuratores* and *Advocati*—The Evidence and the Pleadings—The Verdict—Penalty for Malicious Prosecution, and for Prevarication, or Betrayal of Public Justice.
- Part V.—Private Actions—The *Actio in Rem* and the *Actio in Personam*—The Interdict, Prohibitory and Restitutory—Methods of Instituting Suit—The Summons—Appearance before the Prætor—Forms of Complaint—A Day Set for Answer—Pleas, Peremptory and Dilatory—Making an

Adversary Judge of the Case—Reference to a Judex—The Formula—Trial of the Cause—The Judgment—Trial by an Arbiter.

Part VI.—The Legal Profession in Rome—Jurisconsults, Orators, Advocates, and Attorneys—Compensation for Pleading Prohibited—The Law Evaded—Legacies received by Cicero—The Golden Age of the Roman Bar—Predominant Influence of the Legal Profession.

I. The next great step in Roman constitutional history, after the establishment of the general assembly of the tribes, was the institution of written laws. Caius Terentilius Harsa, a tribune, proposed, in the year of the city, 292, that ten commissioners should be chosen, five by the commons, and five by the patricians, to draw up civil and criminal statutes. It was not, however, until the year of the city, 301, that this important proposition took practical form. Three commissioners were then sent to Greece to examine the constitutions and laws of the Grecian States, with a view of embodying the best part of them in a code for the guidance and government of the Romans. The commissioners returned in the following year, and the grave work of preparing the new laws was committed to ten men, selected from the patrician order, and known as the *Decemviri*. Two of the Ten were the consuls of the new year, Appius Claudius and T. Genucius; two others were the chief criminal magistrates, and another the warden of the city. The remaining five were nominated by the assembly of centuries. The Ten accomplished their work within a few months, and submitted the proposed statutes, inscribed on tables, to the people. The tables were set up in a conspicuous place, and every citizen was invited to give his opinion as to what changes seemed to him proper to be made. The suggestions offered were considered by the Ten, and, if approved, incorporated in the laws. Then the

amended tables were laid before the senate, the patricians in their *curiæ*, and the centuries, and having been sanctioned by all those bodies, the laws were engraven on tables of brass, and set up in the *comitium*.

The Ten, being members of the nobility, and thoroughly aristocratic in their sympathies, did what they could, in framing the new constitution, to strengthen their order. Freedmen were enrolled in the tribes, where their influence would be useful in favor of their former masters; for in Rome, as in Athens, the strongest friend and supporter of the aristocrat was his manumitted slave, and the Roman patricians always looked upon an enlargement of the privileges of the freedmen as an addition to their own power. The freedmen had previously voted in the assembly of centuries, where the upper orders were already paramount, and the enrolment of the ex-slaves in the tribes gave them an opportunity to support their patrons where support was most needed. All the ancient rights and privileges of the upper order were confirmed by the Ten. The patricians in their *curiæ* retained the power of conferring the *Imperium* on the consuls, and voted on every proposition adopted by the centuries and the tribes, besides having the right to take part in the tribal assemblies. The commons were denied the privilege of occupying the public lands; nor could a commoner enter upon the inheritance of a patrician.

The Roman father was, according to ancient usage, the owner as well as the guardian of his child, and might emancipate or transfer his son to another person. A person thus emancipated, or transferred, was not exactly in the relation of a slave to the person under whose authority he had come; but he occupied a position between freemen and slaves, so that the transfer of authority by a father had gradually become a mere legal form of releasing a child from

paternal control. The Twelve Tables revived and strengthened the old custom, and thus converted the form into a rigid reality. It was made necessary for a father to emancipate his son three several times in order to release him from parental power. The father transferred his son by the form of a sale to another person who then manumitted the child. The son then became again subject to the father, and the sale and manumission were repeated. After the third sale, the father's authority over the son was forever extinguished. It was customary, however, for the son to be re-sold to the parent, who then manumitted him, and thus acquired the rights of a patron over his manumitted child. The legal effect of emancipation was that all the previously existing relations between the parent and the emancipated son ceased at once. If the father died intestate the emancipated son could not inherit any share of his property, nor could the son be sold into bondage for the father's debts; but if the father had taken the precaution to secure to himself the final manumission, and had thereby become the son's patron, the father held a position toward the son similar to that of a patron toward his liberated slave, and could act as the son's guardian, in case that guardianship became requisite, and succeed to the son's property, if the latter died without children or legal heirs. An edict of the prætors subsequently placed emancipated children on an equal footing with other children in regard to the inheritance of the property of intestates. A son emancipated against his will was virtually repudiated and cast off, and a father could inflict no severer punishment upon an ungrateful child. The son thus cast off lost his place among his kindred, and he occupied about the same status as a liberated slave.

A father was absolute in the choice of a guardian for his children, and in the disposal of his property. Before

the laws of the Tables the will of every citizen had been read, if he belonged to the patrician order, in the assembly of the *curiæ*, and if a plebeian, in the assembly of centuries, and was subject to ratification or rejection. The Tables made the public reading a formality. All children not emancipated from paternal control inherited their father's estate in equal portions, without distinction of sex or of age. The widow, if she had come under the husband's power, in other words, been a wife in the fullest sense, inherited as a daughter. Children, or grand-children, succeeded to all the rights of their father, if the father was dead, or had been emancipated. A daughter's children had no rights of succession, being regarded as belonging to another family. In default of children, or grand-children, the father's relatives succeeded to the property, according to their degrees of kindred. If property had been willed to a son, no amount of waste justified interference by relatives; but, if the father had died intestate, relatives might procure the appointment of a *curator*.* This law was afterward modified so that the prætor might deprive an extravagant son of the administration of his estate. A woman was a ward all her life. When her father died, she passed, if unmarried, under the guardianship of her brothers, or nearest male relatives on the father's side.

A contract of marriage might be made when the parties were old enough to be sensible of the obligation, which they were not supposed to be until their seventh year. Such a contract might be made by the friends on both sides, between persons absent or present, in private or before witnesses; but the manner of betrothal was by a writing drawn up in a

*A *curator* was especially a guardian of property, although, in the case of a lunatic, also of the person. A *tutor* was a guardian of person and property.

form agreed upon, and signed by both parties. There were three methods of matrimony; the first and most solemn when the union was confirmed by sacrifices and burnt offerings; the second, when the parties bound themselves together by each giving to the other a piece of money, and the third, known as a 'marriage by use,' when, with the consent of her friends, the woman had lived with the man a whole year, without having been absent three nights, at the end of which period she was accounted in all respects a lawful wife. The custom of marriage by use seems to have been the occasion of considerable laxity, and sometimes a woman, after bearing several children, went away with the consent of her husband to become the wife of another man, perhaps an intimate friend of the family.* In a republic almost perpetually engaged in warfare men were in continual demand to fill up the armies, and every encouragement was extended to citizens to marry and add to the population. It was not an unusual thing for the censors to impose a fine upon obstinate bachelors, and it is said that an ancient enactment required every person of full age to enter

* When a marriage between persons of the higher orders was performed with all due ceremony and solemnity, the locks of the bride were divided with the head of a spear, and after being dressed in a plain garment she was led to the bridegroom's house by three boys, whose fathers and mothers were alive. A distaff and a spindle were borne along with her. Arrived at the dwelling of her husband, she was lifted over the threshold by main strength. The keys of the house were delivered to her, and she was presented by the bridegroom with two vessels, one of fire, the other of water. Then she and her companions were treated to a banquet. She was placed upon the nuptial bed by a set of good old matrons, who had never been married but to one man. On the following day the new husband invited all his old companions to a feast, as a token that his bachelor joys were past.

into the matrimonial condition.* Between patricians and commoners, however, there could be no legal marriage, and if a patrician married the daughter of a plebeian, the children were to follow their mother's condition, and were not to be subject to the father's control; nor could they inherit from him, if he died intestate. The impatience and indignation of the commons soon forced the repeal of this degrading distinction.

When a woman married she became in law her husband's daughter, and the husband could appoint by his will a guardian for his wife. If the husband died without making such a provision, then the nearest male relative of the husband became the widow's protector. A daughter inherited an equal share with a son, but could not alienate, or bequeath, or devise her property without the consent of her brother. Notwithstanding the subordinate condition of woman in Rome, the Roman matron figures prominently in history. The mothers of the Gracchi, of Julius Cæsar, and of Augustus had much to do with moulding the minds of their illustrious offspring. In the best days of the republic, "the babe," says the author of *De Oratoribus*, "was brought

* Under Augustus Cæsar it was ordained that magistrates should take precedence according to the number of their children, and that a married man should go before a bachelor. A citizen might stand for office as many years before the legal age as was the number of his offspring, and whosoever had, in the city of Rome, three children, in the rest of Italy four, and in the foreign provinces, five (or, as some say, seven), was excused from all burdensome duties. Unmarried persons were made incapable of receiving any legacy or inheritance by will, unless from their near relatives; and married persons who were childless could only receive half an estate. Hence Plutarch says "that some of the Romans did not marry because they wanted heirs to their own fortunes: but that they themselves might become capable of inheriting the fortunes of others." Sometimes the emperors extended the privilege of the parents of three children, as a mark of special regard, to persons to whom nature had denied that number.

up in the lap and bosom of the mother, who reckoned it among her chief and most commendable duties to keep the house and to attend on the children."

II. Crimes against property were rigorously punished. A thief in the night-time might be slain, or by day, if he defended himself with a weapon. If caught in the act the thief was scourged, and then given to the man whom he had robbed, or attempted to rob, either to be his slave forever, or to be kept in chains until the injured party should be satisfied. If a man searched his neighbor's house for stolen goods, he was required to go naked, with only a girdle about his loins, and to hold a dish or platter upon his head with both his hands. A search under such circumstances must have been embarrassing and difficult. The purpose of the law was to protect a citizen from an enemy who might carry a stolen article into a house, and pretend to find it there. Setting fire to buildings, and the malicious destruction of crops, were punished by death.

Injuries to the person were divided by the Tables into three sorts. Irreparable injury to a limb or member was punished by retaliation in kind, unless the injured party chose to accept other atonement. For breaking or crushing a bone, the offender was condemned to pay three hundred asses, and for bodily damage of a less serious nature, a fine was imposed of twenty-five asses, not a heavy penalty for a wealthy aristocrat who might choose to kick or cuff a commoner. The death penalty was inflicted for parricide and other kinds of murder, bearing false witness, witchcraft, and treason. The usual forms of execution were beheading, hanging, throwing from the Tarpeian rock, and burning alive. The criminal convicted of killing a parent was scourged with rods, then sewed up in a sack, and cast into the sea. Afterward, for an addition to the punishment, a

serpent was put into the sack with the condemned; and in later times an ape, a dog, and a cock, were added. This peculiar method of punishment for parricide was very ancient, and was merely confirmed by the Tables. It fell into disuse in a later age, and was restored at the instance of Pompey. Burning alive was properly the penalty for arson, though traitors and deserters were sometimes put to death in that manner, as a signal example. Hanging was the punishment for destroying a neighbor's crops by night, and ordinary murderers were beheaded. Criminals were occasionally strangled in prison, when there was an object in having the execution secret.*

The oligarchical tendency of the Decemvirs was nowhere more strongly shown than in the severity of the penalty for libel and slander. A public libeler might be beaten to death, and even if the castigation did not result fatally he was looked upon as civilly dead, and could neither give evidence in court, nor make a will.

The higher class of crimes were tried by the people in the assembly of centuries, or by magistrates of high jurisdiction. Criminals caught in the act were summarily dealt with, and slaves and strangers were absolutely at the disposition of the magistrates; but a free Roman might appeal from the sentence of any court to the people. Special

* Crucifixion became prevalent in later times. It was considered a most degrading manner of death, and laws were enacted prohibiting the infliction of such a penalty on citizens of Rome. Ordinarily only slaves, or the meanest of the rabble, were crucified, though, under the rule of arbitrary emperors, members of the nobility were sometimes put to death in that way. Suetonius relates that Galba having condemned a gentleman to be crucified for poisoning his ward, the criminal protested against the punishment, and quoted the laws on the subject. The emperor thereupon said that he would alleviate shame of the sentence and ordered a cross, larger and neater than common, to be painted whit and used for the execution.

acts of pains and penalties against individuals could not be passed; all were liable to the same general laws. The Tables were liberal in regard to bail for accused persons. The practical effect was that the rich and noble easily evaded punishment even for the most heinous offenses, while the poor and ignoble were made examples of. Such, no doubt, was the purpose of the Ten, who desired to save their order from the degradation incident to public executions.

III. The Tables acknowledged only those contracts to be binding which were concluded in the form of question and answer, such as: "Dost thou engage to do so and so? "I do engage!" The Romans had a peculiar word—"*Spondeo*," for engagements, which was binding only on Roman citizens, and could not be used in a contract with an alien. Some articles of property could be conveyed by bare delivery, others only by certain solemn formalities, known by the terms of *mancipatio*, and *in jure cessio*. Of the latter class were lands, buildings and slaves, and all tame animals for draft or burden. In *mancipatio* no magistrate's presence was required, nor was there need of a written instrument. Five Roman citizens of adult age were witnesses, and a sixth produced a pair of scales to weigh the copper, then the only money in circulation. The purchaser laid his hand on the article which he was buying, and said: "This thing I declare to be mine, according to the law of Quirites, and I have bought it with this money duly weighed in these scales." In later times only slaves and animals for draft and burden were actually seized by the purchaser; land might be bought at a distance. The formality of *in jure cessio* took place before a magistrate. The buyer claimed the article as his property. The seller, when asked by the magistrate whether he disputed the claim, answered that he did not. Then the magistrate

awarded the article to the claimant. These transactions were by word of mouth only, without writing, the Tables declaring that—"Even as the tongue had spoken, so should be the law."

The forms of procedure in civil actions were regulated by law, and the law had to be followed with the most literal minuteness; otherwise the action fell through. Of the five methods provided, the one most commonly pursued was that known as *sacramento*, a sum of money, "*sacramentum*," being staked upon the issue of the suit. Each party put down five hundred asses, if the value of the disputed property was one thousand asses or more, and fifty asses, if below that sum. If the freedom of a person claimed as a slave was in question, the stake was fixed at fifty asses, so as to give even the poorest a chance to defend their liberty. The party who lost a cause forfeited the amount staked upon it, which went into the public treasury. An object of dispute, if moveable, was brought into court, and the plaintiff, holding a rod or wand in one hand, seized hold of the thing with the other, claimed that it belonged to him according to law, and then laid his rod upon it. The defendant did the same. The prætor then told them to loose their hold. The plaintiff then turned to the defendant and said: "Wilt thou tell me why thou has claimed this thing as thine?" The other answered: "I have fulfilled what right requires, even as I have made my claim." Then the plaintiff rejoined: "Since thou hast made thy claim wrongfully I defy thee at law, and I stake five hundred asses on the issue." The defendant replied: "In like manner, and with the like stake do I also defy thee." Then the prætor awarded possession of the chattel in controversy to one or the other of the parties until the cause should have been decided, the party intrusted with the property

giving security for its production whenever called for, and also for the value of its temporary use. If a man's liberty was at issue the Tables provided that he should go free until proved a slave. Failure on the part of a defendant to meet the stake offered by his adversary was equivalent to a confession of judgment. When a defendant lost his cause, and—if the litigation was concerning money or damages—neglected to pay the amount awarded by the judge, the plaintiff might arrest and keep him in chains, until he gave satisfactory security.

The laws for the recovery of debt were atrociously severe. A man unable to pay an obligation might pledge himself to become a slave to his creditor, if the debt should not be discharged within a stated time. When the day arrived, if the claim was yet unsatisfied, the creditor brought the debtor before the magistrate, and presented his claim, and the magistrate awarded possession accordingly. The debtor and all his family then became the slaves of the creditor, excepting such sons as had been emancipated. Should the debtor resolve not to sell his children into servitude, but to bear the consequences of his misfortunes alone, then, if thirty days after the justice of the claim had been allowed he was still unable to pay it, the creditor might arrest him and bring him before the court. If no one offered to become his security he was delivered to the creditor, and kept in private custody, bound with a chain of fifteen pounds weight, and fed with a pound of corn daily. If he still could not, or would not, come to terms, he was thus confined during sixty days, and during that period was brought before the court in the *comitium* on three successive market days, and the amount of his debt declared. On the third market day, if no friend appeared, he was either put to death, or sold as a slave into a strange

land. If there were several creditors, they might cut the debtor's body into pieces, and the law expressly provided that a creditor should not be held liable for taking more than his proportionate share of flesh. Debtors were obliged to pay interest as well as principal, but the Tables provided that interest should not be higher than, according to Niebuhr, eight and one-third per cent per annum of the old cyclic year of ten months.

IV. Thus amid turbulence and strife was laid the foundation of the Roman system of civil government. The Roman republic did not leap forth like the American, with a constitution admirable and almost beyond improvement. The fundamental laws of Rome were framed in a rude age, by a people divided into two classes widely apart, hating and dreading each other, and united only when the common safety was at issue. They were prepared by men selected from the upper rank, and aiming to maintain and perpetuate the supremacy of their order. The majority, anxious for other rules of government than the jarring mandates of consuls and tribunes, and the dictates of manipulated assemblies, accepted those statutes, harsh and grinding as some of them were on the poor. From this rough beginning grew, year by year, a system of laws eventually adequate for the government of the civilized world. As the State progressed from the age of copper to that of luxury and gold, so the laws were changed in accordance with the demands of the times. The enactments of the Decemvirs bore about the same relation to the Roman jurisprudence of the days of Cicero, that the Massachusetts code of 1649 bears to the Massachusetts statutes of the present day. One grew from the the other, and in the laws of the prosperous New England commonwealth we discern the spirit of the code which the fathers framed over two centuries ago.

The Roman system of jurisprudence may be said to have arrived at perfection when Cicero was the leader of the Roman bar. The old *legis actiones* had long ago fallen into disuse, and in their place had grown up a code of procedure, consisting of rules, or edicts, promulgated from time to time by the prætors. Those edicts prescribed the *formula* to be followed in instituting and defending actions, and constituted a large and important body of law, the study and knowledge of which was essential to the practice of the legal profession. Although the rules ordained by a magistrate only held force during his term of office, his successor might adopt them, as well as add new, and thus the same *formula* were kept permanently in use, subject to such modifications as experience and custom might suggest.

The prætor was almost the equal of the consul in authority; like the consuls he received the *imperium*, and in early times he took the place of the consuls when the latter were absent from the city. Six lictors preceded the prætor, in token of his power and dignity. The number of prætors was increased as the city grew, and as the Roman dominion was extended over conquered States. The prætor presided at criminal trials, and appointed judges and arbiters to decide civil causes.

Actions were of two kinds—public and private; all prosecutions for crime came under the first head, although, strictly speaking, a public action was a prosecution for the violation of a public law. The Roman laws proper were of two kinds, the *Leges Curiatæ*, enacted by the assembly of the *curiæ*, and the *Leges Centuriatæ*, enacted by the assembly of centuries. The *plebiscita*, or ordinances adopted by the assembly of tribes, had, in course of time, the effect of laws. At first the *plebiscita* were not recognized by the patrician order as having any force to bind their rank, and

they paid no sort of respect to the popular decrees; but the law introduced by the dictator, A. Hortensius (year of the city, 467) put an end to this by ordaining that whatever was enacted by the commons should be observed by the whole Roman people. A *lex* was proposed to the assembly in its entire form for acceptance or rejection, and was neither amended nor altered. A *lex* repealed any previous law conflicting with it. A law bearing upon one or more persons, and not upon the body politic, was known as a *rogatio*. A *privilegium* was a private enactment, which might or might not be beneficial to the parties whom it affected. A *senatus-consultum* was so-called because the consuls, or other magistrates who summoned the Senate, were said to consult that body. The decrees of the Senate had the force of laws, but not until the time of Augustus was the Senate invested with the power of general legislation.

Public actions, or accusations of crime, were, in early times, tried by the people in assembly, first in the *comitia curiata*, at a later period in the *comitia centuriata*, and subsequently in the *comitia tributa*. The kings originally, and afterward the consuls, presided in the popular trials, and after the Valerian Law *De Provocatione* (year of the city, 243), gave a right of appeal from magistrates to the people, persons were appointed to investigate, and preside over the trial of capital causes. Subsequently, when the number of prætors was increased, special courts were established for the trial of specified crimes, and a prætor presided in each court. These courts gradually took the place of trials by the people, although the popular verdict was not unfrequently resorted to throughout the whole republican period. A magistrate alone could bring a person to trial in the assembly. He publicly declared that on a certain day he would accuse a certain person, whom he

named, of an offense which he also defined. If the accused was in a high official position, it was necessary to wait until the end of his term of office before proceeding against him. Otherwise the alleged criminal was required to give security for his appearance. If nothing occurred to prevent the investigation from taking place on the day fixed, the trial proceeded, and the accuser produced evidence to establish his charge. The facts and arguments having been presented, the presiding magistratè promulgated a *rogatio*, or declaration, comprehending the nature of the accusation, and the penalty that conviction would involve. This declaration was posted up publicly, for three market days, and then proposed to the *comitia* for adoption or rejection. The accused sometimes withdrew into exile before the votes were taken.

The following offenses were properly the subjects of public prosecution: *Majestas*, of the same nature as treason, but of more comprehensive signification, as it included, for instance, the effecting, aiding in, or planning the death of a magistrate of the Roman people. The penalty for *majestas* was perpetual exile, and sometimes death, according to the heinousness of the crime. Adultery, which might be committed by the commerce of a married or unmarried man with a married woman; the condition of the woman, not of the man, determining the crime. The penalty for adultery was the banishment of the woman to some inhospitable island, and the forfeiture of one-third of her dowry; and the banishment of the man to another island, and the confiscation of one-half of his property. Incest, including illicit intercourse with a vestal virgin—the penalty for which was death—exile to a prescribed place, or transportation to a convict island, as in the case of adultery, being the punishment for ordinary acts of incest. Parricide,

which term included not only the killing of a parent, but also the killing of a brother, sister, uncle or aunt, the killing of a nephew by an uncle, or of a son by a mother. The extreme penalty for parricide was only visited upon the murderer of a parent, other parricides being simply put to death. False testimony or forgery, punished in early times by exile, and at a later period, by transportation to a convict island or settlement, if the guilty person was of the better class, and by death, if of the lower order. Breaking the public peace, by rioting, or by a forcible abduction, or by collecting arms in a house, except for some legitimate purpose, such as hunting, or protection on an intended journey; the penalty of which crime was banishment. Peculation, or theft of public property; punished by exile, and forfeiture of estate and of civil and political rights. "*Repetundæ*," the crime of illegally taking, accepting, or extorting money from individuals or States, subject to, or allied to the Roman people, including bribe-taking by judicial officers in the provinces. The penalty was gradually increased from a mere mulct of the amount wrongfully taken to a fine amounting to quadruple the sum, exile, and disqualification from being senators, *judices*, or witnesses in court. *Ambitus*, (literally, *going about*) the canvassing by candidates for votes and support by corrupt means, as well as by personal solicitation. Persons convicted of *ambitus* were fined, excluded from the Senate, and perpetually incapacitated to hold office. A special law was directed against the employment of agents who divided the work of canvassing, thus accomplishing it the more thoroughly. A person accused of *ambitus* was not allowed the same latitude in objecting to the *judices* selected for his trial that was permitted to other defendants in criminal causes. The accuser named four tribes, and the accused could object to any one of

them. The *judices* were then selected from the other three tribes, and could not be challenged.

Any Roman citizen who was *sui juris* could institute a criminal prosecution, and in course of time the right was extended to a *filius familiæ*, in the absence of his parent or *procurator*, or if the parent was incompetent through insanity, or from any other cause. Wards brought an action through their *tutor*, or guardian, and if a ward desired to prosecute his or her *tutor*, the prætor named a person to act as *tutor* in the suit. Resident aliens originally brought an action through their patrons, but afterward in their own name, under a fiction of law that they were Roman citizens.

The complainant in a criminal prosecution was known as an accuser. It was necessary for the accuser to appear before the prætor having special jurisdiction to try a crime of the nature alleged, and pray for leave to enter the name of the accused, and the substance of the charge, in the rolls of the court. The accuser was required to swear that he was not actuated by a purpose to injure his adversary's reputation, and, if the prætor was satisfied that the case was a proper subject for a public trial, the application was granted. The accused person, if he could not furnish bail, was consigned to prison, and *judices* were selected to decide the question of his innocence or guilt.* The number of *judices* in a case was usually fifty-one, selected from a roll containing eighty-one names, drawn from a much longer list. Each party to a trial had the right to strike off fifteen

* Citizens chosen for this service were known as *judices selecti*. From the earliest times until the year of the city, 630, *judices* were selected from the senatorial order exclusively. The Sempronian law transferred this honorable and responsible duty from the senators to the equestrian rank. The Servilian law, of 647, commanded that *judices* should be chosen from both the equestrian and senatorial orders, but this enactment was soon after repealed. The Livian law, of 662, ordained that

names. The longer list seems to have varied, the number having been almost six hundred when the senators and knights were the two orders from which *judices* were drawn. *Judices* were compelled to serve unless they could give a valid excuse.

On the day of trial, the prætor presided in a curule chair, and was assisted by a *judex quæstionis*, whose duty it probably was to watch over the interests of public justice, and to advise the prætor in regard to any matter of law about which he might be in doubt. The *judices* were sworn, and took seats and listened. The parties were represented by *procuratores* or attorneys, and *advocati*, or advocates. The *procuratores* attended to the presentation of the evidence, and the *advocati* argued questions of law and presented their client's case. The limitation of oral pleadings appears to have been left to the discretion of the prætor, until Pompey procured the enactment of a law (in the year of the city, 701) providing that not more than three days in every trial should be spent in hearing and examining witnesses, and that one day only should be allowed for the parties to make their formal accusation and defense, the accuser being confined to two hours, and the defendant to three. Time was measured by a water-clock, and when the prætor allowed the advocate more time for his harangue, he

the judiciary power should be entrusted to an equal number of knights and senators, but this law was abrogated the same year, under pretense of having been passed inauspiciously. In 664 M., Plautius Silvanus, tribune of the commons, introduced a law ordaining that each tribe should annually select fifteen persons to serve as *judices*. Sylla, in remodeling the constitution in the interest of the aristocracy, restored to the senators their ancient and exclusive judiciary powers. The Aurelian law provided that the senatorial and equestrian orders, together with the tribunes of the treasury, should furnish *judices*. Pompey confirmed this law, which Julius Cæsar repealed in so far as regarded the tribunes of the treasury.

was said to "give him water." In Roman trials it was customary, as in our own, to call witnesses to the good character of a defendant.

The evidence being all in, and the orations ended, the prætor sent the *judices* out to consult. To each *judex* were delivered three tablets covered with wax, one of absolution, or acquittal, another of condemnation, or conviction, and the third of amplification, meaning that the case had not been established to the satisfaction of the *judex*, and that he desired more evidence before passing upon it. In the place to which the *judices* retired were urns or boxes, into which the *judices* threw their tablets. When the tablets had been classified, and the verdict of the majority ascertained, the judge pronounced the decision accordingly. His words were few: "It is found to have been done," or, "It is found not to have been done lawfully," or, "The facts must be made known more fully."* Sometimes he designated the punishment, and sometimes omitted it, as being determined by the law on which the accusation was grounded.

* During a prolonged experience as a reporter of court proceedings, I have become convinced that American judges would do well to imitate the brevity of the Roman prætors in pronouncing sentence. Harangues from the bench can be of little or no benefit to the convicted criminal to whom they are addressed. If he is intelligent, he fully understands both his crime and its consequences; if obtuse, he is not likely to be enlightened or impressed by the judge's remarks. Too often the prisoner's face bears evidence, as he stands the central object of a staring throng, that he is enduring mental agony which no court has a right to inflict. It may be said that it is sometimes necessary for a judge to explain his reasons for severity or clemency. Such reasons might be entered in a few words on the public records of the court. I have been pleased to notice that a New York judge, the people's confidence in whom has been proven by the singular honor of a unanimous election, shows his soundness of sense, and humanity of heart, by brevity in disposing of persons found guilty of crime. He never makes speeches intended for the popular ear, but ostensibly addressed to a convict at the bar.

An acquitted person might prosecute his accuser for calumny, the penalty for which crime was branding on the forehead with a hot iron. An accuser might also be prosecuted for prevarication, or a failure to push his case with due energy, prevarication being construed as a betrayal of the public interests, which the accuser represented.

V. Private actions were of two kinds, *in personam* and *in rem*. An *actio in rem* was where a man claimed a corporal thing as his property, or the use or enjoyment of a thing, or the right of way over a road or piece of ground; an *actio in personam* was where the defendant was bound to the plaintiff by contract or delict. An aggrieved party might obtain a summary remedy by establishing to the satisfaction of the prætor that he was entitled to it. In such a case the prætor granted an interdict. Interdicts were of two kinds, prohibitory and restitutory, the first to prevent an alleged wrong from being done, the second, to compel the righting of the wrong. A prohibitory interdict might be granted to the actual possessor of property, claiming to be its lawful owner, prohibiting another claimant from interfering with the property until the right to it had been decided by a trial at law; and a restitutory interdict might be issued enabling an owner of land to take possession of the land, as well as of the goods of the tenant, if the latter had pledged them for the rent; or compelling a person to restore possession to one whom he had forcibly and illegally ejected, and to make good the damage done. A complainant was entitled to an interdict to compel restitution where possession had been taken from him *vi armata* (by force and arms), or privately, or clandestinely, and also where he had loaned or granted possession of property with the understanding that he could take it back at will. A defendant who believed or claimed to believe

that an interdict did him injustice, might apply to the prætor for a judicial investigation; which the prætor might grant, if he saw fit, or otherwise compel obedience to his mandate. If a trial was ordered, the case took the usual course.

A plaintiff in a private action could sue either in person or through a representative, or attorney. These representatives were of two kinds, a *cognitor* and a *procurator*. The *cognitor* was formally appointed in presence of both parties to the suit, and his appointment was complete when he had given his consent to act; the *procurator* might be employed by one party without any notice whatever to the opposite party. If a defendant appeared by a *cognitor* in an *actio in personam*, the defendant had to give security to abide by the result; and sometimes security was required from both plaintiff and defendant. *Tutores*, who were guardians of person and property, and *curatores*, who were especially guardians of property, had generally to give security.

An action was commenced by the plaintiff summoning the defendant before the prætor, or other magistrate who had jurisdiction over the subject of the litigation. If the defendant was a *universitas*, or corporate body, then the legal representative of the corporation was summoned.* The process of summoning a defendant was called *in jus vocatio*. Although in early times a defendant who refused

* A municipal corporation might be sued, but an action would not lie against such a corporation for *dolus malus*, or wrongdoing with fraudulent intent; such an action could only be sustained against the officials who administered the affairs of the municipality. Other juristical persons were religious bodies, such as the College of Priests and the Vestal Virgins, who could hold property, and take by testament; associations for trade or commerce, such as companies for working mines or farming on a large scale, and unions of persons pursuing a similar calling (which could be dissolved by a notice from a single member, and which were dissolved on the death of a single member); associations called *sodalitates*

to accompany the plaintiff before the magistrate might be dragged thither by force, this practice was afterward greatly modified, so that in many cases no compulsory personal appearance could be required, and in others it was necessary, under pain of a penalty, to obtain the consent of the prætor to such a method of summoning. Nor could a defendant in a private action be dragged from his own house, under any circumstances, but, if he kept his house to avoid service, he ran the risk of the sequestration of his goods. When the prætor granted an authorization for the compulsory attendance of a defendant, the plaintiff, if the defendant would not accompany him, called a bystander to witness that he had duly served the summons, touched the ear of the witness, and then forcibly conducted the defendant before the prætor. The parties might settle their dispute on the way to court; but, if they did not, the plaintiff

or *sodalitia*, resembling modern clubs, and which, like modern clubs, often had a social origin and object, but subsequently became political, and the rallying points of factions (laws were enacted to regulate these clubs, and prevent the forming of such societies in a manner contrary to law); also associations of poor persons for beneficiary and benevolent purposes, who met only once a month to pay contributions.

When an action was for goods or value of any kind furnished to a ship or vessel it was known as *Exercitoria Actio*. The *exercitor* was the person to whom the vessel's gains belonged, whether owner or charterer, and he who had the care and management of the vessel was known as the *magister*, or master. The *exercitor* was bound by the contracts of the master, who was his agent, but with the limitation that the contract must be in furtherance of the object for which the master was employed, as, for instance, the purchase of things useful or necessary for the navigation of the ship, or if the master entered into a contract, or incurred expense, for repairs. The terms of the master's appointment set forth the extent of his authority, and determined the rights of third parties against the *exercitor*. If the *exercitores* were several in number, each was liable for the master's legally made contracts, and a third party might take action either against an *exercitor* or against the master, as long as the master continued in that position.

stated his case, and prayed for an action. If the prætor granted the prayer, the plaintiff then stated what form of action he intended to bring, and, as the *formulae* were numerous and comprehensive, he was held with reasonable stringency to the proof of the form of complaint adopted by him; although the prætor sometimes allowed an amendment. For instance, if the plaintiff claimed the defendant had failed in a contract to sell him a quantity of Tyrian purple, or a particularly designated slave; and the fact was shown to be that the defendant had contracted to furnish a quantity of dye-stuff, or a slave, the plaintiff was non-suited.

The prætor having granted an action, a day, generally the second after the summons, was designated for the parties to put in their pleadings and counter-pleadings. The plaintiff might require the defendant to give security for appearance, or allow him to go on his personal promise. Both parties, on the day appointed, were summoned by a crier, and the plaintiff briefly presented his claim or demand. The defendant might deny the plaintiff's claim, or reply to it by a plea (*exceptio*). Pleas were peremptory or dilatory; peremptory if it was averred, for instance, that the claim was based on fraud, or that the matter was *res adjudicata*; or dilatory, if the defendant merely asserted that the amount claimed was not yet due, or that the suit was not brought in legal form. The plaintiff might bring the case to a summary ending by proposing to the defendant that the latter should swear to the truth of his answer. If the defendant refused to take the oath, judgment was entered against him. In the same way the defendant might ask the plaintiff to take an oath to the truth of the complaint. If the plaintiff declined, his action was at once thrown out; but if he took the oath, then judgment was entered in his favor; the proposal of the oath by either party being

tantamount to making his adversary the judge of the case. If no such course was followed, the prætor named a *judex*, or judge, to try the cause. Either of the litigants had a right to object to the *judex*, though how far this right extended is not known. The parties might also agree upon a *judex*.

The *judex* was sworn to perform his duty faithfully, and the prætor delivered to him a *formula* containing his instructions. The *formula* might simply authorize the *judex* to ascertain the fact, or it might also empower him not only to decide the question of fact at issue, but also—if his verdict should be against the defendant—to fix the amount of damages to be paid, for it was a rule, when a thing—even a piece of real estate—was claimed, to give judgment for damages, and not for the article itself. The *formula* likewise had annexed to it the pleadings of the plaintiff, and the counter-statements of the defendant.

On the appointed day the parties appeared before the *judex*, who was assisted by advisers learned in the law, although he alone gave judgment. The subject of complaint was briefly stated, and then each party supported his cause, either in person, or through an advocate. The evidence appears to have been submitted at the same time that the speeches were delivered. Witnesses were examined orally by one party, and cross-examined by the other. Written documents, such as deeds, and books of account, were received in evidence, and sometimes the deposition of an absent witness, when attested by an oath, was accepted. There was no direct means of compelling persons to testify; except that slaves could be put to the torture. The *judex* might or might not require the witnesses to swear to the truth of their testimony; it was not necessary that the testimony should be sworn to, and the *judex* could give

such weight to the oath taken as he saw fit. After the evidence was all in, and the advocates had concluded their addresses, the *judex* gave his decision, or, if the case was tried by a number of *judices*, then the verdict of a majority was the decision of the court. The case might also be adjourned for more evidence, or the *judex* might obtain release from its further consideration by swearing that he could not come to a decision. The judgment of the court was first written on a tablet, and then announced orally. The judgment, as before stated, was always for a sum of money, even if a piece of property was the subject of dispute. The sum was either fixed or not fixed in the *formula* delivered to the *judex*. If the claim was for a specified sum, the *judex* was obliged to give judgment for the amount claimed, or for nothing. If the claim was for damages, or for satisfaction for an alleged wrong, the damage done by which wrong was to be ascertained in the course of the trial, then the judgment was limited to a sum named in the *formula*, which the *judex* could not exceed. If the action was for the recovery of property, or an *actio ad exhibendum*, then the *judex* was empowered to condemn the defendant in the value of the thing in controversy. The *judex* was always bound to give judgment for a definite sum. When a complaint was for the recovery of an indefinite amount, the prætor appointed an *arbiter*, who was allowed greater latitude than a *judex* in following the *formula*, though bound in a general way by its instructions. Parties to a controversy might also agree upon an *arbiter*, and pledge themselves to abide by his decision, without having recourse to the prætor.

VI. In the early days of Rome there were no lawyers. The patricians defended their clients before the tribunals, and gave them advice in regard to their affairs. But when

the simple common law was superseded by the code of the Decemvirs, men versed in the statutes and experienced in the practice of courts became a necessity. In orators who defended a client by appealing to the sentiment, passions, or prejudices of their hearers, a knowledge of law was not absolutely requisite, and these should be distinguished from the *jurisconsulti*, who gave advice either in public places which they attended at certain times, or in their own houses, and not only on matters of law, but on other subjects. At first the *jurisconsulti* were also employed to draw up wills, but this branch of legal labor was afterward performed by a distinct class of practitioners. The juriconsult furnished written opinions on questions of law, and the opinion of a juriconsult of high standing in the profession had great weight in influencing the mind of a judge. Thus the juriconsults, the orators, or advocates, and the *procuratores*, or attorneys, had each their separate province. But an orator was also, not unfrequently, a juriconsult, as, for instance, Cicero, whose knowledge of law was not surpassed by his eloquence. It was customary for a party to a suit to be represented by an attorney and an advocate, the former of whom managed the details of the case, and conducted the examination and cross-examination of witnesses, while the latter argued questions of law, and pleaded the cause of his client. Those juriconsults and advocates whose services were in demand, naturally expected and received compensation, though they had no lawful claim to remuneration. An enactment existed prohibiting anyone from accepting money or gifts for pleading causes, but the law was evaded, even by Cicero, who received one million sesterces for his defense of Publius Sylla.* The money

*About \$40,000, but of vastly more purchasing value than the same amount of money in this age.

was paid by Sylla under pretense of a loan. Cicero also declared, in one of his orations, that he had received upward of twenty millions of sesterces in legacies from friends, presumably for services as counsel and pleader. It is safe to assume that the law which Cicero disregarded was not held in respect by less illustrious members of the profession.*

The later and grander days of the Roman republic were the golden age of the Roman bar. The practice of law was the only business that the patrician could pursue without losing caste; indeed, the patrician was obliged to be versed in the law and in oratory; otherwise, the clients of his house—in early times retainers in the real sense, but subsequently faithful and loyal adherents,—would seek the advice and protection of some one better able to guard their interests. The legal profession exercised a predominant influence in the august council of the Senate. As no citizen could aspire to the consulship until he had occupied the prætorian chair, senators of consular and prætorian dignity were, as a rule, experienced judicial officers. A knowledge of law was likewise a requisite, though not an indispensable qualification, in the minor magistrates, each of whom acted judicially within the limits of his jurisdiction.

* The Emperor Claudian decreed that no fee should exceed a sum which was equivalent to about four hundred and twenty-five dollars of the United States, and the Emperor Trajan forbade the receiving of any fee until after judgment, the object of the latter prohibition being to prevent the abandonment of clients by lawyers who had been paid in advance. Constantine ordained that lawyers should not enter into an agreement with clients to share whatever might be gained by a lawsuit, and persons violating this enactment were to be disbarred. Rome was infested, especially in later times, by depraved lawyers who lived on extortion. We find frequent mention of the *mandatores* and *delatores*, who made a business of prying into the affairs of citizens, and dragging a victim, whenever they discovered one, before the courts. The *mandator* laid the information, and the *delator* prosecuted the case.

As the *judices selecti*, whose verdicts decided criminal causes, were usually chosen from the upper orders, their number must have included many active members of the bar; and although corruption and class prejudice are said to have sometimes affected their action, it is not asserted that their decisions were ever influenced by professional jealousy or courtesy. Some of Rome's great generals were likewise great lawyers and orators, and earned by their eloquence in the forum the opportunity to display their genius and prowess in the field. But the tongue whose tones thrilled and charmed an assembly was not always that of a patriot, and the people found out, too late, that their flatterers were their masters.

CHAPTER VIII.

THE ROMAN SENATE.

Part I.—The Roman Aristocracy—The Patricians—The Nobles—The Equestrian Order—Old Distinctions Gradually Ignored—Wealth becomes the great Dividing Line—The Aristocratic and the Popular Parties—The Senate not a Representative Body—The Supply of Senators—Duties of the Censors—Censures not Irrevocable—The Tribunes in the Senate—Number of the Senate—The Senatorial Age—Attire of Senators—Wealth as a Qualification for the Senatorship—Senators Debarred from Trade and Commerce—Respectable Birth a Requisite—Extent of Senatorial Authority.

Part II.—The Right to Convoke the Senate—Summoning Senators—Places of Meeting—Business done after Sunset Invalid—Arrangement of Senators according to Rank—The Prince of the Senate—Preference given to Religious Subjects—Opening the Senate—The Right, the Manner, and the Order of Speaking—Speakers not Confined to the Question at Issue—Dividing a Motion—Division of the House—The Tribunal Veto—Methods of Obstructing Legislation—"Filibustering"—Cicero's Description of a Session of the Senate—A Quorum of the Senate—Form of Dismissing the Senate—Nature and Effect of Senatorial Decrees.

I. The Roman aristocracy of the republican period included several grades of citizens, qualified by illustrious ancestry, large wealth, or their own personal merits publicly acknowledged, or by the possession of all these attributes combined, to rank above the plebeian multitude. The patricians were the members of the old gentile families. These for a long time subsequent to the foundation of the commonwealth stood aloof from the rest of the people.

Their traditions and their affiliations tended to make them hostile to popular liberty, and conservative of ancient prejudices and privileges. We have seen how they were gradually forced to succumb to the incessant aggressions of the commons, and to yield to the latter, first, the power of self-protection, and then a share in the general government. Another class of aristocrats were the *nobiles*, or nobility, persons who had themselves borne one of the higher offices of the commonwealth, or whose ancestors had held such office, and who were therefore permitted to have pictures and busts of themselves, or of the ancestors who had been honored with a public trust. In the early period of the republic, as all the principal magistrates were of patrician rank, the *nobiles* were identical with the patricians, and Livy, Sallust, and other authors, use the term, "*nobilitas*," as meaning the patrician order, and opposed to the "*plebs*," or commons. The *equites*, or horsemen, were citizens distinguished for wealth and respectability, and were chosen indiscriminately from patricians and plebeians. The requisite fortune for admission to the equestrian order was, in the later times of the republic, about four hundred *sestertia*, or about sixteen thousand, one hundred and fifty dollars. It was the duty of the censor, at the time of the quinquennial census, to enroll among the *equites* any Roman citizen of the age of eighteen years, who possessed a sufficient estate, and was otherwise qualified, and to present to such citizen a horse at the public expense; but the censor might use his own judgment and discretion in excluding an infamous or obnoxious person from the order. The *equites* were, therefore, the wealthy citizens of Rome, and exercised an influence commensurate with their important position. Of course, the *equites* were not all on an equal footing. Some were of patrician rank and descended from illustrious

men, while others had just risen from the common grade. The families of the former were distinguished by such designations as *illustres*, *splendidi*, and *speciosi*. The *equites* owed military service to the State, and an *eques* might be deprived of his horse, if he failed to take proper care of the animal, or if he was guilty of flagrant immorality.

As Rome grew in greatness and population, and the ancient patrician families became connected by ties of marriage and adoption with prominent families of more recent origin, social and political distinctions grounded upon membership in the gentile houses were ignored. The assemblies of the patricians became what Cicero called "the shadowy *comitia*," represented by thirty lictors. The people were divided into three orders, the senatorial, the equestrian, and the plebeian. When a member of the equestrian order became a senator, he assumed the senatorial attire and insignia, and the fact of his elevation added a certain dignity both to himself and to his descendants, but the senatorial office ceased with the death of him actually elected or appointed to it, and the children of the senator sank back into the position to which their property entitled them; so that while certain families far transcended others in the respectability attached to illustrious lineage, and there were, as in modern republics, select circles to which large wealth alone could not open access, yet the broad dividing line of Roman society was that which divided the rich from the citizens of moderate means. The free people of Rome were separated, in the later age of the republic, into two great divisions, the *Optimates* and the *Populares*, which might be freely translated as the "aristocracy" and the "popular party,"—those who favored, and those who opposed the will of the multitude. The popular party included, of course, many Romans of noble descent and great riches,

who were willing to bend from their high estate in order to use the populace to accomplish their own ambitious aims. Aristocratic influences generally prevailed in the Senate, while the tribal assembly was guided by the popular leaders. A bitter antagonism existed almost continuously between the multitude of common citizens and the great administrative council of the State; so that the Senate, as a body, was identified with the aristocracy, although the chiefs of the popular party were usually members of the Senate.

The Senate of Rome was not a representative body, but a select order of citizens invested with extraordinary dignity and authority, and holding their position for life. In the early period of the commonwealth, as during the era of royalty, the senators were appointed from patrician families only, but history gives no clear information as to the manner in which vacancies were filled. Middleton, in his excellent Treatise on the Roman Senate, says that from the time that the commons opened for themselves a path to the highest honors of the State, the constant and regular supply of senators was composed of the magistrates, who, by virtue of their offices, acquired a right to sit and to vote in the august assembly. It is evident, however, that the supply of magistrates, at least previous to the dictatorship of Sylla, was not sufficient to make up for the losses caused by death, even in time of peace, without taking into consideration the number of senators who perished on the battle-field. It is probable, therefore, that, besides the higher magistrates who, by virtue of their election, had a right to sit in the Senate as long as they lived, the consuls first, and afterward the censors, nominated for the senatorial dignity such persons as common fame and approbation designated to be well qualified and worthy. The usual gradation of office was Quæstor, Tribune, Ædile, Prætor, and Consul, but it

is apparent that all magistrates could not have held the quæstorship before suing for a higher office, as from the year of the city, 269, when, according to Livy and Dionysius, the quæstorship was instituted, until the year of the city, 332, there were only two quæstors, and from the last-mentioned date until 672, the number of quæstors did not exceed eight; so that it is plain that the ten tribunes of the people, and the four ædiles selected each year, could not have previously discharged the duties of quæstor. Therefore, before Sylla raised the number of quæstors to twenty, some of the candidates for the tribunate or the ædileship must have offered themselves without regard to the gradation stated above. The quæstorship, however, being the lowest office which carried the right of entrance into the Senate, was known as the first step of honor. The quæstors had the care of the treasury, and the charge of the public revenues. Besides the quæstors of the city, a provincial quæstor was sent with each proconsul and proprætor to regulate the taxes and customs in the provinces, the assignment of provinces being made by lot. When the provincial quæstors returned from their posts, they took their places in the Senate, and from that time forward were senators for life.

Although election to a high magistracy gave actual entrance into the Senate, the senatorial character was not complete until the new senators had been enrolled by the censors at the next *lustrum*. Enrolments was but a matter of form, and could not be denied, except for legal incapacity or infamous crime, such as would justify the censors in expelling a senator from the order. Censorian duties were at first discharged by the kings, and, after the overthrow of royalty, by the consuls, until the year of the city, 311, when two censors were appointed. Their office was to continue

for five years, because once in every five years a general census of the population was taken, but the term was subsequently reduced to one year and a half, for fear that the authority might be abused. The position was considered highly honorable, and it was customary to nominate for it only persons of consular dignity. Besides taking a census of the people, the censors were required to settle the districts and divisions of the tribes, to assign to every citizen his proper rank in the centurian assembly, according to the value of his estate, and lastly, to call over the Senate, and make a new roll, omitting the names of the dead, and entering those of persons who had achieved the senatorial station. They had the power to censure vice and immorality, and to restrain luxury and ostentation, and, to deter them from perverting this power, they were made to take an oath to discharge the duties of their office without fear or favor. They could expel senators from the Senate, and punish a member of the equestrian order by taking away his horse, and a fine might be inflicted in addition to this disgrace. A commoner might be deposed from a higher to a lesser tribe, or deprived of the privilege of voting, or both penalties might be enforced together.* The censors frequently purged the Senate of unworthy and profligate members, in accordance with the old Roman rule that that assembly ought to be "pure from all blemish, and an example to the other orders."

Part of the censorian jurisdiction appears to have been to supply vacancies in the Senate when the number of

* The power of the censors to deprive citizens of the right of suffrage does not appear to have been recognized as unimpeachable, for, in a dispute between C. Claudius and T. Sempronius, censors, in regard to the assignment of the sons of slaves to certain tribes, Claudius declared that "no censor could take from any citizen his right of suffrage without the express command of the people."

incoming magistrates was not sufficient to fill the empty seats. The new senators were nominated, usually from the equestrian order, but popular consent was requisite to the nominations. When any remarkable deficiency occurred, the censors, or sometimes a dictator, appointed the new senators. After the battle of Cannæ, when the Senate was greatly reduced through the loss of many members on that fatal field, and when no censors were in office, a dictator was created for the purpose of filling vacancies. He ascended the rostra, and, in presence of the people gathered in the forum, ordered all those who remained alive of the last censorian list to be first called and enrolled anew; then those who since that time had borne a curule magistracy, and had not been enrolled—each according to the order of his election—then those who had been ædiles, tribunes of the people, or quæstors, and lastly those of the equestrian rank who had borne no magistracy, but had signalized themselves in war. Thus having added one hundred and seventy-seven new senators to the roll he resigned his office. On another occasion, when Sylla, the dictator, found it necessary, owing to the destruction caused by civil strife and proscription, to fill up the Senate with three hundred new *equites*, he gave the choice of them to the tribes.

The arbitrary power of the censors was exercised with discretion and caution, unless when bold licentiousness challenged exceptional severity. Their censures were not irrevocable; nor were they a bar to future advancement; for the act of one censor was sometimes reversed by another, and the sentences of both could be annulled by the people, or by succeeding censors. Indeed this was commonly done, though the most effectual method of wiping out the stain was for the disgraced person to get elected to office again, and thereby re-enter the Senate. Thus persons who had been

stigmatized by the censorian note of infamy were sometimes chosen censors themselves afterward.*

The tribunes of the people were not at first admitted into the Senate, but were allowed seats in the vestibule. These leaders of the commons soon, however, obtained seats and votes in the chamber, where, as champions of the multitude, they exercised a paramount influence. They gradually assumed the right to convoke the Senate, and to propound to that body such questions as they desired to submit for consideration, a prerogative which the consuls alone had previously exercised.

From the era of the kings to the time of the Gracchi the Senate numbered three hundred, or thereabouts. The number was, no doubt, liable to variation, and must have increased with the increase of magistrates made necessary by the growth of the commonwealth. Sylla added three hundred at once from the equestrian order, which raised the total to about five hundred, and thus the Senate remained until the usurpation of Julius Cæsar. Cicero speaks of four hundred and fifteen as a full house.

In early times, when the Senate was a council of the heads and representatives of the great patrician families, senators were, as their appellation imports, persons advanced in years. But when contention and strife arose between the patricians and the commons, younger men stepped to the

*C. Antonius, Cicero's colleague in the consulship, had been expelled from the Senate about six years before for his vices. Lentulus, expelled after he had been consul, was restored by obtaining the prætorship a second time, and was afterward strangled by Cicero for his part in the Catiline conspiracy. The Clodian law, of 695, ordained that the censors should put no mark of infamy upon a person, unless the person had been accused and condemned by both the censors, whereas, previously, what one censor had done was of force unless the other actually interposed. The Cæcilian law, of 701, restored to these magistrates their ancient authority.

front, and took the leadership, and it was to curb the hasty ambition of youthful noblemen that laws were enacted in regard to the age of magistrates. The regular age for admission to the Senate was thirty, when candidates usually offered themselves for the quæstorship.* But the restriction was not closely observed, especially when some person of controlling influence saw fit to disregard it in order to reward his partisans, and strengthen his cause. For instance, Sylla, the dictator, caused a law to be passed ordaining that all who had stood by him in the civil war should have the privilege of holding office before they were of legal age.

Senators were persons of great consequence in the flourishing days of the commonwealth, and frequently had kings, States, and even whole nations, under their patronage. "They possessed," says Cicero, "authority and splendor at home; fame and importance abroad." "What city is there," asks the same great man, "not only in our own provinces, but in the remotest parts of the earth, ever so powerful, or ever so rude and barbarous, or what king is there, not glad to invite and entertain a senator of the Roman people?" From the senatorial order were chosen all ambassadors, and when senators had occasion to travel abroad, even on their own private business, they usually obtained from the Senate the privilege of a "free legation," as it was called, which gave them the right to be treated everywhere with

* Cicero relates that when the Halesini, a people of Sicily, petitioned the Roman Senate to furnish them with a constitution for their government, the Senate decreed that the prætor, C. Claudius, should give them laws accordingly. These laws provided that none under thirty years of age, none who exercised a trade, and none who had not an estate of a certain value, should be eligible to the Senate. Scipio gave a similar constitution to the Agrigentines, and Pompey to the Bithynians. Pompey's laws expressly provided that none should hold any magistracies, or be admitted to the Senate under thirty; and that all who had borne a magistracy should sit, of course, in the Senate.

the honors of ambassadors, and to be furnished on their journey with a proportion of provisions and necessaries for themselves and their attendants. As long as they resided in the Roman provinces the governors used to assign to them a number of lictors to walk before them in state, as before magistrates in Rome, and, if they had any lawsuit in the provinces, they seem to have had the right to have it transferred to Rome.

Senators were distinguished from other citizens by their attire. On their tunic, where the garment met in front, they wore two broad stripes of purple, so that when the tunic was closed the two seemed to be one stripe. Senators also wore a short boot, black in color, reaching up to the middle of the leg, and ornamented at the ankles with a half moon in ivory. Common opinion makes the half moon an allusion to the number of senators at the first institution of the order, which, being one hundred, was signified by the letter C. The principal magistrates also wore, upon state occasions, a sort of boot of a reddish dye, with high heels, and reaching up to the middle of the leg. These red shoes were regarded as a distinction almost approaching to royalty, and for that reason the fact that Julius Cæsar wore them on ordinary days was noted as significant of his disposition and aims. At public shows special seats were reserved for senators, and in the solemn festivals, when sacrifices were being offered to Jupiter, members of the order had the privilege of feasting in the capitol, attired in robes proper to the offices they had filled.

A senator was required to have an ample estate to support his rank, although there seems to have been no regulation to that effect during the republican period. But as wealth and ostentation increased, it became impossible for a senator to keep up the appearance of dignity which

his high position demanded, unless he was at least moderately rich. When a senator's estate fell below a certain value, he dropped from the order, not because poverty was a legal disqualification, but because it was a practical one. The pursuit of commerce and trade was regarded as derogatory to the senatorial dignity, and was therefore prohibited, and to prevent senators from engaging in traffic it was decreed that no senator, or father of a senator, should own a sailing vessel of above three hundred *amphoræ*; this being considered large enough for the importation of necessaries and luxuries for the senator's own family.

The qualification of wealth to a certain extent insured respectability; nor was that of birth entirely disregarded, even in the age of democratic supremacy. Cneius Lentulus, censor, expelled Popilius from the Senate because his grandfather had been a slave, but allowed him his rank at the public shows, with all the outward ornaments of a senator. Subsequently, the Papian law, in the reign of Augustus, permitted all citizens, except senators and their sons, to take wives of libertine condition—that is, children of such as had been made free.

Originally the powers of the Senate were almost unlimited. The Senate was a permanent supreme legislative and administrative body. Even the people could not regularly enact anything which had not been approved by the Senate. When a tribune, in contempt of this constitutional authority, ventured to propound to the people a matter upon which the Senate had not been consulted, his colleagues interposed, and declared that “they would not suffer anything to be offered to be offered to the suffrage of the citizens until the fathers had passed judgment upon it.” This, indeed, was the regular method of procedure in all law-abiding times from the beginning of the commonwealth to the end of it,

but the tribunes gradually lost their respect for the august council, and took pleasure in thwarting its decrees, and overriding its constitutional prerogatives.

The Senate was entrusted with the guardianship and superintendence of public religion. No new deity could be introduced, no altar erected, nor the Sybilline books consulted without the express leave of the Senate. The Senate also assigned magistrates to the various subject provinces; decreed what provinces should be consular and what prætorian; supervised the expenditure of the public money;* fixed the stipends of generals and their troops, the number of each commander's forces, and the allowance of food and clothing for the armies; provided corn for the city; nominated the ambassadors sent from Rome to foreign courts, and received and dismissed all who came from abroad with such answers as it deemed proper; decreed supplications, or public thanksgivings for victories achieved, and conferred the honor of an ovation or a triumph, with the title of *Imperator*, on a successful general; prescribed a change of attire throughout the city on occasions of imminent danger or calamity;

*The Roman revenues were of two kinds, ordinary and extraordinary. The ordinary revenues consisted of rents and tithes paid by those who occupied or cultivated the public domain; harbor dues, the taxes on exports and imports, income from salt works and from mines owned by the State, and let to companies or associations, or else worked directly on the public account; the tribute exacted from allied or subject nations, a door-tax, a tax on bachelors, and a tax on freedmen possessing a certain amount of property. During the civil wars which preceded the establishment of a permanent empire, a tax of one per cent. was levied on the value of all things sold.

The extraordinary tax known as the *tributum* was levied on real property whenever the exigencies of the State demanded an increased expenditure. It was, properly speaking, a war tax, and varied from one to three in a thousand. No deduction was allowed on account of debts, and even the priests were not exempt from the tax, although they made several efforts to escape it. The Senate decided on the amount to be raised, and the censors fixed the amount of each person's assessment.

inquired into crimes of a public nature, such as treason, in Rome and other parts of Italy; heard and determined disputes between nations; not only interpreted the laws, but abrogated them at will, and sometimes absolved individuals from the obligation of obeying them; gave consuls, in time of civil dissension, absolute power to put to death, without trial, any citizen engaged in inciting insurrection; adjourned and postponed assemblies of the people; decreed pardon or reward; and declared anyone a public enemy, at its own discretion. Such were the fundamental powers of the Senate, not grounded upon express constitution, but upon custom, accretion and the acquiescence of the people.

But in proportion as the authority and influence of the tribunes and the tribal assemblies increased, so did the importance of the patrician legislature wane. The plebeian magistrates arrogated much of the power which had been vested in the Senate. They caused the enactment of laws by the multitude, reducing some of the senatorial attributes to a mere form, and compelling the Senate to approve the action of the people, even before the people had voted upon measures proposed to them. C. Sempronius Gracchus, in his famous tribunate, used to boast that he had demolished the Senate at once by transferring to the equestrian rank the right of judicature in criminal causes, which had been invested in the senatorial order from the origin of Rome. This right was restored to the senators by the aristocratic tyrant, Sylla, who also delivered a severe blow at the tribunal power by taking away from those officers the authority to interpose their veto, or to call assemblies. But Sylla's retrogressive measures were modified, or totally repealed, soon after his retirement. In the year of the city, 694, we find the tribune, P. Vatinius, ignoring the Senate

in the most insulting manner, by procuring from the tribes a law ordaining that the command of all Gallia Cisalpina and Illyricum should be conferred on Julius Cæsar for five years together, without a decree of the Senate, and without the formality of casting lots; that certain individuals should go with Cæsar in the quality of *legati* without being deputed by the Senate; that the army to be sent with him should be paid out of the treasury, and that he should transplant a colony into the town of Novocomum, in Gaul. The Senate was so shocked by the invasion of its most valuable and jealously guarded prerogative, that, to prevent the demoralizing example of a second appeal to the people by Cæsar, they confirmed the action taken, and gave him also Transalpine Gaul, which he was understood to desire.

II. The right to convoke the Senate belonged to the consuls, as supreme magistrates of the State, and in their absence devolved on the prætors and tribunes. The tribunes also claimed the power to call the Senate together at any time, when the affairs of the people required it, even if the consuls were in the city. In early times the Senate were summoned by a special messenger, and sometimes by the public crier. When the city grew larger, it was usual to publish an edict several days before the day set for the meeting, in order that all might be notified; but, on extraordinary occasions, when affairs demanded immediate attention, special messengers were sent to every senator. If a senator neglected to obey the summons, the consul would—if the reasons given for absence were not satisfactory—oblige him to give surety for the payment of a fine; but senators over sixty years of age were not compelled to attend unless they so desired.*

* Valerius writes that in the ancient times of the commonwealth senators were so vigilant and so attentive to public duties, that frequently, without waiting for messenger or edict, they met by themselves in a portico adjoining the Senate house, whence they could presently be called into it as soon as the consul came.

The Senate assembled in different places in the city, and each place was solemnly consecrated by religious ceremonies. Pliny says that when the augurs reported that an ox had spoken, a phenomenon often met with among ancient prodigies, the Senate presently sat *sub dio*, that is, in the open air. The senate-houses were called *Curia*, as the *Curia Calabra*, said to have been built by Romulus, the *Curia Hostilia*, by Tullus Hostilius, the *Curia Pompeia*, by Pompey. Meetings of the Senate were not unfrequently held in the temples of certain deities, such as Jupiter, Apollo, Mars, Vulcan, Castor, Bellona, Concord, Faith, Virtue, and the Earth. These temples were likewise known as *Curia*, while the proper senate-houses were, on account of their solemn dedication, frequently called temples, the word, "temple," in its primary sense signifying a place consecrated by augurs. On two occasions the Senate always met outside the walls, in the temples of Bellona or of Apollo,—first, for the reception of foreign envoys, especially those coming from an enemy, who were not allowed to enter the city; and, secondly, to give audience to and transact business with their own generals, who were not permitted to come within the walls as long as their commission subsisted, and they had actual command of an army.

The Senate always met on the first of January, to inaugurate the new consuls who entered into office on that day, and there are instances in Roman history of the Senate being in session on every day, with one or two exceptions, until the fifteenth of January, the latter part of the month being apparently assigned to the popular assemblies. The month of February was set apart, by an old custom of the Senate, for the reception of foreign ambassadors. In all months there were three days which seem to have been more especially assigned to the Senate,—the Kalends, Nones and

Ides. Augustus enacted that the Senate should not meet regularly except on two days in each month, the Kalends and the Ides. In the months of September and October, by order of the same emperor, the senators were relieved from obligatory attendance, except so many as were necessary for a quorum, and the names of these were determined by casting lots. It was also decreed that in memory of the murder of Julius Cæsar on the Ides of March, the Senate should never assemble on that day. The Senate seldom or never met on public festivals dedicated to shows and sports.

The Senate could not enter upon any business before sunrise, nor finish any after sunset, and therefore it came to be a standing rule that no motion should be offered after four o'clock in the afternoon. Cicero speaks of certain decrees procured by Antony in his consulship as having been made too late in the evening to have any authority.

The Senate, as before stated, was composed of the higher magistrates of the republic, and of all who had held the higher offices. At the head sat the two consuls in chairs of state, probably raised above the other seats. The whole assembly rose when the consuls entered the Senate. All the private senators sat on benches in order of precedence according to the dignity of the magistracies they had severally filled—first, the consulars, then the prætorians, then the ædilitarians, then the tribunitians, and lastly, the quæstorians. As this was their order in sitting, they probably delivered their opinions in the same order. One member was distinguished from the rest by the title of "Prince of the Senate," a distinction kept up from the very beginning of the republic. This title was given to that person whose name was called over first in the roll of the Senate, whenever the roll was renewed by the censors.

He was always of consular and censorian dignity, and generally eminent for probity and wisdom, and the title, though carrying with it no authority, was regarded as honorable and desirable.

The Senate being assembled, the consuls, or the magistrate by whose authority the Senate had been summoned, having first taken the auspices and performed the usual religious duties, stated the occasion of calling them together, and the nature of the business to be considered. All things relating to the worship of the gods had preference over other subjects. When the consul had moved any point with intent to have it debated and carried into a decree, and had spoken as long as he desired himself, he proceeded to ask the opinions of other senators, calling upon them by name and according to their rank. He began always with the consulars, then he named the prætorians, and so on. It was the practice originally to ask the Prince of the Senate first, but this soon became obsolete, and any old and distinguished consular was called upon; and it grew common in the later times of the republic to ask a kinsman or particular friend, or a person who would be likely to favor the measure proposed. Whatever order the consuls had observed in asking opinions on the first of January, they usually followed throughout the year. Julius Cæsar broke through this rule, for, though he had asked Crassus first, yet, upon the marriage of his daughter to Pompey, he gave the priority to his son-in-law. The honor of being called upon preferably to all others of the same rank was seldom carried beyond four or five distinguished persons of consular dignity, and the rest were asked according to their seniority. This method was usually observed through the year, until the election of the future consuls, held about the month of August, after which

time it was customary to ask the opinions of the consuls-elect before any others; and it was the same with the prætors and tribunes-elect, in their rank. No senator was allowed to speak until it came to his turn, except magistrates, who seem to have had the right to speak on all occasions, and for that reason, perhaps, were not specially asked by the consuls.* Though every senator was obliged to declare his opinion when called upon by the consul, yet he was not confined to the single point then under debate, but might launch out into any subject whatever, and talk as long as he pleased. When a member spoke he arose from his seat and stood up, but if he merely wished to express his assent to the opinion of another he remained sitting.

The magistrates alone had the authority to bring any question to a vote, or to divide the House upon it. Several different motions might be made, and different questions be referred to the Senate by different magistrates at the same meeting. If there was any question of interest and importance which the consuls omitted or were unwilling to submit for consideration, it was usual for the Senate by a general clamor to call upon them to move it, and upon their persistent refusal, the other magistrates had the right to propound it, even against the will of the consuls. If any motion submitted to the Senate was too general in its terms, and included several distinct provisions, some of which

* In the earlier times of the republic the lesser magistrates, while they could sit and vote, could not speak. This is plainly intimated in the consular edict addressed to "all senators and those who have a right to vote in the Senate." Those who could only vote were called *pedarians*, meaning that they expressed their opinions by their feet, in moving from one part of the house to the other on a division. This distinction seems to have been gradually dropped, but members of the Senate who were not in the habit of speaking, and showed their preference only by stepping to the side they favored, were known, in Cicero's time, as *pedarians*.

might be acceptable and others the contrary, it was usual for a demand to be made that it be divided, and sometimes this was called for by the general voice of the assembly exclaiming: "Divide! Divide!" If, in the debate, several propositions had been offered, and each supported by a number of Senators, the consul, at the close, recited them all, so that the Senate could vote separately upon each. But in doing so the consul gave such preference as he thought fit to that proposition which he most favored, and sometimes even suppressed propositions which he wholly disapproved. When there appeared to be no difference of opinion, and no opposition to the action proposed, a decree might be made without any opinion being asked or delivered.

When a question was put to a vote in the Senate, it was determined always by a division or separation of the House, each party going to a different side. The consul ordered a division in these words: "Let those who think this, pass over to that side; those who think differently, to this side." The opinion approved by the majority was drawn up in the form of a decree, generally in words prepared and dictated by the mover of the question, or the chief speaker in favor of it, who, after he had said what he thought sufficient in advocacy of the proposition, used to conclude his speech by summing up his opinion in the form of such a decree as he desired to obtain. The decree, when confirmed by the Senate, was always signed and attested by a number of senators, who chose to attend throughout the whole process of its preparation for the sake of adding their names to it, as an evidence of their special approbation of the act, as well as of their respect for the person under whose advocacy it was drawn.

When the Senate was disposed and ready to pass a decree,

any one of the ten tribunes might "intercede," as it was called, that is, quash the motion at once by his bare negative, without assigning any reason. "Veto," was the word used by the tribunes. If a large majority of the Senate were in favor of a decree thus nullified by the interposition of a tribune, it was customary to pass a vote to the same effect and in the same words, which was entered in the record instead of the decree, but which had no force except to throw upon the tribune vetoing it the odium of his action, if any there might be. And, in order to deter magistrates from an arbitrary and factious use of the vetoing power in affairs of importance, senators sometimes made it a part of a proposed decree that if, any one should attempt to obstruct it, he would be deemed to act against the interests of the commonwealth. This clause seldom, however, made any impression on determined and obstinate tribunes.

But, besides the veto, the leaders of parties had ways of postponing and obstructing legislation not dissimilar to methods well known in modern assemblies. Sometimes they alleged that the auspices were not favorable, or not rightly taken, which, if confirmed by the augurs, put a stop to business for that day. At other times they alleged some pretended warning in the Sybilline books, which had then to be consulted and interpreted. But the common way was to waste the day in speaking for two or three hours successively, so as to leave no time to finish the business in that meeting, of which we find many examples. Sometimes when this plan was being carried out senators would silence the obstructor by clamor and hisses.*

* To give the reader a more life-like impression of the Roman Senate, I quote a letter of Cicero, describing a session of that body—of which he was an active and honored member. The letter was written to P. Lentulus, proconsul, soon after Cneius Lentulus Marcellinus had entered upon his consulship. The question debated was whether the Senate should restore King Ptolemy to the throne of Egypt, from which he had been

A certain number of senators was necessary to make an act of the Senate legitimate, for it was occasionally objected to consuls that they had procured decrees from Houses not driven by his subjects. P. Lentulus Spinther, to whom the letter is addressed, had been consul the year before, and was proconsul of Cilicia. He was desirous of being commissioned to restore the king. Cicero was warmly in his interest, and Pompey pretended to be so, but yet Pompey's friends were openly seeking the commission for Pompey. When the subject was moved in the Senate there seemed to be an inclination to grant the commission to Lentulus. How the purpose of the majority was obstructed, is explained by Cicero in terms that show that "filibustering" was not unknown to the Roman politicians of that period. The "scruple of religion" alluded to, was a quotation from the Sybilline books warning the Roman people never to restore a king of Egypt with an army.

"Nothing was done in the Senate on the Ides of January; because a great part of the day was spent in an altercation between Lentulus, the consul, and Caninius, tribune of the people. I spoke also much myself on that day, and seemed to make a great impression on the Senate by reminding them of your affection for their order. The day following, therefore, it was resolved that we should deliver our opinions in short, for the inclination of the Senate appeared to be turned again in our favor, which I clearly saw, as well by the effect of my speaking, as by applying to them singly, and asking their opinions. Wherefore, when Bibulus's opinion was declared the first, that three ambassadors should carry back the king; Hortensius's the second, that you should carry him without an army; Volcatius's the third, that Pompey should carry him back; it was demanded that Bibulus's opinion should be divided.

As to what he said concerning the scruple of religion, to which no opposition could then be made, it was agreed to by all; but as to the three ambassadors, there was a great majority against it.

Hortensius's opinion was next; when Lupus, tribune of the people, because he had made the motion in favor of Pompey, began to insist that it was his right to divide the house upon it, before the consuls. There was a great and general outcry against his speech; for it was both unreasonable and unprecedented. The consuls neither allowed nor greatly opposed it; they had a mind that the day should be wasted, which was done accordingly. For they saw a great majority ready to go with Hortensius's opinion, yet seemed outwardly to favor Volcatius's. Many were asked, and against the will of the consuls; for they were desirous that Bibulus's opinion should take place. This dispute being kept up till night, the Senate was dismissed."

sufficiently full, and business was sometimes postponed for want of a quorum; so that, when any senator desired to stop business in a thin House, he would call upon the presiding magistrate to number the Senate. Yet no certain number is specified except in one or two particular instances. When the Bacchanalian rites were prohibited in Rome it was decreed that no one should be permitted to perform them without a special license granted for that purpose by the Senate when one hundred members were present. The Senate then numbered three hundred. About a century later, when the number had been raised to five hundred, it was enacted that the Senate should not have the power to absolve any one from the obligation of the laws unless two hundred members were present. When the business of the day was finished, the consul, or other magistrate by whom the Senate had been summoned, used to dismiss them in these words: "Conscript Fathers, there is no occasion to detain you."

Decrees of the Senate were chiefly of an executive nature, and related to the assignment of provinces to magistrates, the commissioning of generals, intercourse with foreign States, the enforcement of the laws, the maintenance of public security, and the regulation of public worship. Decrees of a legislative character were not considered as laws, but as the ground-work of laws, having a certain provisional force until acted upon by the people. So that decrees were for the most part temporary in their effect, and not of force any longer than the existence of the occasion or exigency to which they had been applied. In early times we find consuls charged with the execution of a decree refusing to enforce it because made under their predecessors, and alleging that decrees of the Senate continued in force for one year only, or during the

magistracy of those by whom they were introduced. Cicero, likewise, at a later period, when defending a client, declared a decree of the Senate to be of no effect, because it had not been submitted to the people to be enacted into a law. In the declining years of the republic decrees of the Senate were treated with contempt by the military chieftains who then ruled.

CHAPTER IX.

THE ROMAN ARMIES.

Part I.—Military Service the Duty of the Property-owning Classes in the Early Republican Period—No Standing Army—Martial Education of the Roman Youth—The Military Age—When Exemption Might be Claimed—The Levy—The Military Tribunes—Manner of Selecting Soldiers—The Military Oath—Ranks of the Army—The Company, the Cohort, and the Legion—The Centurions and their Lieutenants—The *Avocati*—The Cavalry—The Cavalry Legion—The Troops—The *Decurions*—Arms of the Cavalry—The *Imperator*—The *Legati*—The *Comites*.

Part II.—Form of Entering upon a Campaign—Military Punishments and Rewards—The Ovation and the Triumph—Magnificence of a Triumph.

Part III.—Growth of a Distinction between the Citizen and the Soldier—Devotion to the General Takes the Place of Loyalty to Country—Changes in the Organization of the Legions—Indiscriminate Enlistment—Opulence and Indolence of the *Equites*—Distinctions between the Ranks of the Foot-soldiers Disappear—Foreign Mercenaries—Romans Following Arms as a Trade—Increase of the Pay of Soldiers—A Victory as Dangerous to the Commonwealth as a Defeat.

I. From the earliest period of Roman history, up to the time of Marius, military service was the duty and privilege of the property-owning classes, in accordance with the spirit of the constitution established by Servius Tullius. The legions were filled, in the ordinary course, with property-owning citizens, and the poorest class were called upon to serve only when, owing to an overwhelming defeat, or dearly bought victory, or the drain of a protracted campaign,

the demand for men exceeded the regular supply. Thus to be a citizen was to be a soldier; for although the proletariat were a part of the people, and had a vote in the assembly of centuries, yet their influence was so small that they seldom interfered in political affairs. The State was defended by those who governed and made the laws, and from the ranks of the assembly which determined upon war went forth the legions to give force to the popular will. Rome had no militia, no standing army. When a campaign was over, every man, from the commander down to the humblest legionary, became once more a citizen and one of the people, and every man shared in the glory of victory, or the dishonor of defeat. The Roman soldier was nerved to endurance and self-sacrifice by a stronger incentive than dread of ignominious punishment. He had a reputation to win or to hold, and upon that reputation would depend his position in the civic army at home. It is no wonder, therefore, that death was preferred to surrender, and that to be overcome meant to be annihilated.

Circensian shows, warlike games, and the sanguinary exhibitions of the gladiators heated the mind of the young Roman, and fed his passion for deeds of arms. The boys of patrician and equestrian families were organized in troops, and their chief had the honorable title of Prince of the Youth. The tender warriors mustered on an appointed day in the Campus Martius, under the gaze of their proud and admiring relatives. The boys were mounted on handsome steeds, and richly attired, and armed with spears and other weapons. After parading around the Campus, they divided into troops, and, at the word of command, the tournament began.

“Files facing files, their bold companions dare,
And wheel and charge, and urge the sportive war;
Now flight they feign, and naked backs expose;
Now with turned spears drive headlong on the foes.”—*Virgil*.

Nor had the ambitious youth long to wait before being allowed an opportunity to prove their mettle in real warfare. All Roman citizens of military age (above seventeen and under fifty years) were liable to military duty, if called upon, unless they could present some legal excuse; for the preference given to the property-owning classes was not in consequence of any legal enactment prohibiting the poor from serving in the legions, but because the consuls who made the levies, being themselves usually members of the aristocracy, chose to have their armies composed of the better order. Therefore Marius, when he filled his legions with the proletariat, from which he himself had sprung, did not violate any law, but simply departed from the ancient custom. Exemption from military service might be claimed by those holding a civil or religious office, those who had already served in twenty campaigns in the infantry, or ten in the cavalry, those who were of unsound mind, or of maimed body, or who were specially relieved by law from martial duties.* Refusal to serve was punished with fine, imprisonment, or stripes.

According to the regular form of making a levy, the consuls issued an edict commanding all men of military age to appear in the capitol, or in the area before the capitol. On the designated day the consuls took their seats, attended by twenty-four military tribunes, fourteen of whom had served in five yearly campaigns, and were known as Juniors, and ten of whom, known as Seniors, had served in ten campaigns. These officers, next to the commander the most important in the army, were originally appointed by the chief magistrates, whether consuls or dictator, but the people afterward assumed the right of electing them. The

* Suetonius tells of a father who cut off the thumbs of his two sons to keep them out of the army, and Valerius Maximus gives a similar example.

nomination of the military tribunes was, at a subsequent period, shared between the people and the consuls, and this system was maintained as long as constitutional forms were observed. The number of legions to be made up was generally four. The junior tribunes were assigned, four to the first legion, three to the second, four to the third, and three to the last; the senior tribunes, two to the first and two to the third, and three to the second and three to the fourth. A tribe was then selected by lot, and from the upper centuries of that tribe four young men, as nearly as possible alike in age and physical development, were summoned forth. The tribunes of the first legion chose one, then the tribunes of the second another, the tribunes of the third legion a third, and the remaining man fell to the fourth legion. Then four more were drawn and the tribunes of the second legion had first choice, and thus in rotation until the legions were full.

The levy having been completed, the tribunes of each legion called out a soldier, and administered to him a solemn oath, the substance of which was that he would obey his superior officers to the utmost of his power, be ready to attend whenever called upon, and never leave the army without their consent. Then the whole legion passed, one by one, before the commanders, and each cried out "*Idem in me!*" ("I swear the same!")

The foot-soldiers were divided into four classes: the *velites*, young, light-armed soldiers, who hovered in loose order before the army; the *hastati*, so-called because in ancient times they fought with spears; the *principes*, said to be so termed because, before the institution of the *hastati*, they bore the first shock of battle, and the *triarii*, veterans who were the main strength of the army, and named from their position, being in the third rank to stand

the brunt of the enemy, should the latter succeed in breaking through the *hastati* and the *principes*. Three *manipuli*, or companies, one of the *hastati*, another of the *principes*, and a third of the *triarii*, formed a cohort, and ten cohorts made a legion. The ordinary number of a legion was about four thousand men. Each *manipulus*, or company, was divided into two ranks, or centuries, each rank commanded by a centurion. The centurions of the right hand rank took precedence over those of the left, and the centurions of the *triarii* were superior to those of the *principes*, as those of the *principes* were superior to the *hastati*. The chief centurion of a legion was the officer who commanded the right hand rank of the first company of *triarii*. His command was one of considerable dignity, and he had the care of the chief standard of the legion. The badge of the centurion's office was a rod. Each centurion had under him two deputies or lieutenants. The *evocati*, old and eminent soldiers, specially invited to the army by its commander, were considered almost equal in rank to the centurions. They, too, carried a rod, and usually guarded the legionary standard, being excused from ordinary guard-duty and drudgery.

The cavalry were all of the equestrian order, and no other horsemen entered the legions, unless in times of public confusion and neglect. A cavalry legion numbered three hundred men, who were divided into ten *turmæ*, or troops, thirty to a troop, and each troop was divided into three *decuriæ*, or bodies of ten men. Every troop had three *decurions*, or captains of ten, and each captain had a deputy. The captain senior in office commanded the troop. The cavalry of the primitive period wore no breast-plate, but were clad in a single garment, bound tight around their bodies. The shield was of ox's hide, and the lance so light

that it snapped from mere vibration in a charge. The Romans, as they became more proficient in the art of war, adopted the Grecian equipment of breast-plate, solid buckler, and strong spear.

The *imperator*, or general-in-chief, had supreme command of the whole army, and the Senate or people seldom interfered with his discretion in the conduct of a war. Attached to each general were *legati*, or legates, who advised him when necessary, and carried out his instructions. There is reason to believe that one legate was assigned to each legion. The legates were nominated by the consuls and confirmed by the Senate. It was also customary for each commander to be accompanied by a number of young men of aristocratic birth, who remained near the general in battle, and dwelt in the general's tent. They devoted their time to learning the art of war, and qualifying themselves for future service in the armies of Rome. These young noblemen were called *comites*, or companions. They were usually on intimate and affectionate terms with the *imperator* whose fortunes they shared.

II. Before entering upon any enterprise of great importance, the general usually addressed his army from a throne of turf, surrounded with the fasces, ensigns and other military ornaments. He reminded them of former achievements, and explained the strength and order of the enemy, and raised their hopes with the prospect of a glorious reward should they prove victorious. These harangues undoubtedly produced an excellent effect, especially when delivered by some favorite commander. Disobedience and cowardice were relentlessly punished, sometimes by the decimation of whole legions. In decimation the names of every offender were put altogether in a shield or vessel, and then drawn out by lot, and every tenth man was condemned

to die. The common method of execution was by making the criminal run the gauntlet of the camp, the other soldiers being required to dispatch him with stones, darts and all manner of weapons. Other punishments were degradation from a higher position to a lower, partial deprivation of rations, exposure by being made to stand up during meals while others sat down, and fines, besides various little marks of disgrace. It is also recorded that delinquents were sometimes bled.

The rewards were much more numerous than the penalties. A *hasta pura*, or fine spear of wood without any iron upon it, was bestowed upon him who had killed an enemy hand to hand in some petty skirmish. The gods are commonly represented on old coins with such spears. Golden bracelets, golden and silver collars, and golden chains were given to those who had performed some eminent service. A civic crown of oaken boughs distinguished the soldier who had saved the life of a citizen, and was regarded as more honorable than a crown of gold or silver. The mural crown was the reward of him who first scaled the walls of a city, and the "camp" crown of him who first forced the enemy's entrenchments.

But for the victorious general Rome reserved its most gratifying honors. If he had accomplished his object without much shedding of blood he was given an ovation, so-called because an *ovis* (sheep) was offered in sacrifice on the occasion. If, on the contrary, he had slain vast numbers of the enemy, and subjugated them by force of arms, he was decreed a triumph. The triumph was by far the more splendid of the two solemnities, and sometimes lasted for several days. The people clad themselves in white raiment, and the temples were decorated with garlands and redolent with perfumes. Hundreds of chariots bore the spoils of

the foe, including the silver and gold vessels, the statues and pictures plundered from conquered cities, and the glittering armor and various weapons taken on the field of victory. Trumpeters sounded the charge, as in battle, and behind them walked the captive king, if there was one, and the princes and women of his family. The triumphant commander rode in a magnificent chariot. He was clad in a garment of purple interwoven with gold, wore a wreath of laurel, and carried a laurel branch in his right hand. The cavalry followed, and then the footmen of the army, those who had won crowns, or other rewards, bearing them in their hands.

The beginning of the decay of the Roman commonwealth may be dated from the time when the soldier began to be distinct from the citizen. The growth of this distinction was gradual. As the area of military operations extended, campaigns were more protracted, and the influence of the central government over the forces in the field became weaker and weaker. Even if a commander started out with no ambitious designs against the liberties of his country, he could not but learn, during years of supreme authority over legions and over provinces, to love the exercise of absolute power. His men, too, cut off from home communications and sympathies, were ready to follow a leader who, they knew, would reward them. They forgot that they were in the service of the commonwealth, and listened only to the chief whom they had been accustomed to obey, and on whose gratitude they felt that they could rely.

During the century preceding the downfall of the republic, the organization of the legions underwent essential modifications. Roman citizens of every grade, and the subjects of allied Italian States, were indiscriminately

enlisted, and even slaves were liberated by tens of thousands to fill the depleted ranks of contending armies. The members of the equestrian order, many of whom had grown very opulent, generally remained at home to enjoy their estates and engage in politics in the city, or, if they went into the army, they held some command, or post of honor, such as aides-de-camp to the general-in-chief. The custom of allowing to each person of equestrian rank a horse at the public charge gradually died out, as the horses were no longer used in the service of the State. The bulk of the cavalry in the armies were aliens, first conquered, and then converted into allies.* All the soldiers of the infantry legions were armed alike; the distinction between the *hastati*, the *principes*, and the *triarii* ceased to exist, and the legionaries were drawn up in two lines, the veterans in the van. Foreign mercenaries, such as the Balearic slingers and the Moorish dartmen, were used as skirmishers, and formed a corps by themselves, commanded by their own officers. When an enterprise requiring great activity was undertaken, legionaries were detailed, and lightly equipped for the occasion. Auxiliary troops, if foot-soldiers, were organized in cohorts, and if cavalry, in squadrons, the numbers of which varied according to circumstances. Under the term "auxiliaries" were comprehended all forces not belonging to the legions, foot or horse, light or heavy armed, mercenaries in the pay of the State, or contingents furnished by States or kingdoms in alliance with Rome.

The armies thus constituted were very different from

* Cæsar does not appear to have placed as implicit confidence in them as in the native Romans, for when Ariovistus invited him to a conference, the condition being that each general should be attended only by cavalry, Cæsar dismounted his Gaulish horse, and filled their saddles with soldiers of the tenth legion.

the civic legions which hurled back the elephants of Pyrrhus and demolished the citadel of Carthage. The Roman part of them followed arms not as a duty, but as a trade, and the foreigner cared but little for Rome or her institutions, and knew no superior but the military chief above him. The pay of the soldiers, from being merely nominal, was largely increased, so that a poor person could make a much better living in the army than out of it. The troops were blindly devoted to the interests of their commander, and assailed with equal readiness the enemies of the republic and the republic itself. It is not strange that the Senate learned to dread a victory achieved by such forces almost as much as a defeat; for the danger to the commonwealth could not be much greater in the latter event than in the former.

CHAPTER X.

ROME, FROM THE DECEMVIRATE TO THE EMPIRE.

- Part I.—Military Tribunes take the place of Consuls—Growth of Popular Power—Patricians Seek Honor and Fame in the Army—Extension of the Roman Dominion—Increase of Luxury and of Profligacy—An Epidemic of Crime—The Populace Fed by the State—Renewal of the Agrarian Agitation by the Gracchi—Limitation of Landownership—Confiscation and Allotment of Surplus Lands—The Agrarian Law Modified after the Death of the Gracchi—Caius Marius as a Plebeian Leader—He Selects Soldiers from the Proletariat—Mob Dictation in the Popular Assemblies—Effort to Purify the Suffrage—The Social War—Roman Citizenship Extended to the Italian Allies—Partial Cancellation of Debts.
- Part II.—Rivalry between Marius and Sylla—Marius Initiates the System of Proscription—Sylla's Reign of Terror and Bloodshed—Sylla Reforms the State in the Interest of the Aristocracy—The Tribunes Shorn of Authority—Election by the Assembly of Centuries Re-established—A Law to Prevent Usurpation by Military Commanders—Various Laws—Sylla's Retirement—Causes which led to the Servile Insurrection—Defeat of the Romans by Spartacus and his Gladiators—Crassus Subdues the Insurgents.
- Part III.—The Growth of Extravagance—Millionaires Rival each other in Public Display—Bribery and Intimidation at Elections—The First Triumvirate—Cæsar Elected Consul—He Earns the Favor of the Populace, and the Goodwill of the Equestrian Order—Cicero Banished at the Instance of the Demagogue, Clodius—Cicero Recalled—Cæsar, Pompey, and Crassus divide the Provinces—Death of Crassus—Cæsar's Victories make him an Object of Suspicion to the Senate and to Pompey—The Question that was decided by Cæsar's Triumph—Cæsar Master of the Roman

World—His Titles—His Administration—Cæsar's Character and Talents—The Experience of Rome a Lesson for Republics—Military Commanders as Civil Rulers—Strong Government—The Assassination of Cæsar—War and Anarchy—Death of Cicero—Octavius Victor over Mark Antony—Society Reorganized, and the Empire Firmly Established.

I. The popular revolution which overthrew the decemvirate resulted in the election to the chief magistracy of a new style of officials called military tribunes, the name of consul having become odious to the Roman people. Plebeians, as well as patricians, were eligible to the office; but the nominations were made entirely from the former class.* The first military tribunes held their dignity no longer than seventy days, when they were obliged to resign, the augurs having discovered some flaw in their election. The government then returned to its former course. Afterward military tribunes alternated at irregular intervals with consuls; the number of military tribunes was increased from three to six, and from six to eight, and the commons were admitted to an actual, as well as nominal share in the office; until, at length, (about the year of the city, 388), the old consular system was fully restored. But the consuls were no longer supreme. The populace, urged on by ambitious and restless leaders, and encouraged by the success of previous aggressions, steadily encroached upon the privileges of the gentile houses and the authority of the patrician magistrates. The latter strove in vain to breast the ceaseless popular tide, and many patricians, disgusted with mob dictation and civil strife, sought in the army the fame and honor they could hardly hope to win at home. In the camp the commander was absolute. The soldier had

* These officials should not be confounded with the tribunes of the army, whose duties were solely of a military nature.

to obey without a murmur, and the haughty aristocrat could tyrannize to his heart's content; and he might look forward to a day when, returning in triumph from victory, he would ride through the streets of his native city amid the plaudits of the multitude he despised. Thus the energy and talent of Rome's best citizens were devoted to making her arms invincible and extending her dominion; and the Roman legions advanced with giant strides in the conquest of the world.

Conquest led to the introduction in Rome of the luxuries and vices of the conquered. Wealth was no longer measured by copper, but by silver and gold, and the rich began to rival and even surpass in Sybaritish extravagance the vanquished cities of Southern Italy. Opulent Romans courted the favor of the multitude with shows of gladiators, and fortunes were expended in thus pandering to a brutal appetite.* A great impulse was given to luxury by the return of the victorious army of Cneius Manlius from Asia, in 565. The taste for fine hangings and tapestry, and costly furniture and ornamental work was, notably increased, and cookery, once the business of the meanest slaves, became esteemed as an art. Singers were heard at banquets, over-indulgence in wine was not unusual, and depravity and profligacy prevailed. At length the mysteries of Bacchus were introduced, and horrible crimes perpetrated under the veil of secret religious rites. Both sexes were admitted to participate in the orgies sacred to the god of dissipation, and lewdness was followed by murders and other monstrous

*The first exhibition of gladiators at Rome was that of M. and D. Brutus, at the funeral of their father, in the year of the city, 488. It is believed that three pairs fought on that occasion. Forty-eight years later twenty-two pairs fought at the obsequies of Æmilius Lepidus, and the numbers of victims at these barbarous shows continued to be increased until Julius Cæsar, in his ædileship, presented three hundred and twenty pairs.

and unnatural deeds. Those who, having been initiated, showed a reluctance to join in all the wickedness, were not unfrequently put to death, and the fabric of Roman society was being gradually undermined when information of the terrible condition of affairs was conveyed to the highest authorities. Prompt and vigorous measures stamped out the evil, and the guilty were punished with more or less severity according to the degrees of their criminality. But the crushing of crime when it raised its head in this repugnant and hideous shape did not involve any radical or general reformation. The rich continued to grow more extravagant, and the sovereign populace gradually lost self-dependence and self-respect. They looked to the State for a living, and to ambitious office-seekers for pastimes and amusements. The State supplied corn for an almost nominal sum (at a later period for nothing)*; and millionaire rivals for popular favor and votes were only too ready to expend fortunes in the games and shows of the arena.

The enactment of the agrarian law served to intensify the bitterness of feeling between the aristocratic and popular parties, without effecting any permanent equalization of property in real estate. The original law, of which the measure proposed by T. Sempronius Gracchus was but a revival, ordained that no person should possess above five hundred *jugera* (about 330 acres) of land. When the Romans were an obscure people, with a narrow territory,

* Previous to the time of Clodius, citizens receiving corn at the public charge were required to pay an almost nominal sum for it, but that demagogue introduced a law providing that corn should be distributed gratis. Many frauds and irregularities resulted, which Julius Cæsar rectified by requiring the landlords of every square, or island, as the Romans termed separate blocks of buildings, to furnish a correct list of their tenants. The number fed was thus reduced from 320,000 to 150,000, and a great saving was effected to the public treasury.

and dependent chiefly upon agriculture for the necessaries of existence, such a law may have been just and proper; for it made it impossible for a few individuals or families to monopolize the soil, and reduce the tillers to a condition of peonage. But with the growth of the republic, and the multiplication of its resources, the enactment became a dead letter. As revived by Gracchus, it provided that the lands owned by an individual in excess of the legal limitation should be divided among the landless. The proposition was, of course, equally agreeable to the multitude and obnoxious to the wealthy. The latter strove by every method, lawful and otherwise, to obstruct the adoption of the measure by the tribal assembly, but without success. The proposition became a law, and commissioners were appointed to divide the confiscated lands. About the same time Attalus, king of Pergamus, bequeathed his kingdom and his wealth to the Roman people, and, at the instance of the elder Gracchus, it was ordered that all the ready money in the dead monarch's treasury should be bestowed upon the poorer citizens, to supply them with implements and other requisites for cultivating the soil, and also that the rent of the royal domain should be annually divided among the people.

Gracchus was killed in a tumult excited by members of the aristocracy, to whom his course had made him extremely odious, and the task of carrying his reform into effect was taken up by his younger brother, Caius. The confiscation and allotment naturally caused great agitation among those who were made to surrender their property, and gave rise to bitter disputes about titles and boundaries. Gracchus persisted, however, in his work, and all direct efforts to remove him from the commission, or to turn the popular mind against him, were futile. But he made a fatal mistake

when he accepted a charge to settle a colony on the site of Carthage, for the prejudice and superstition of the Romans were strongly against the rebuilding of a city which had once been a rival republic, and whose armies had threatened the destruction of Rome itself. When Gracchus was recalled from his inauspicious mission, he had lost much of his hold upon the multitude, and the patricians promptly found and seized an opportunity to excite a riot, and get rid of their dangerous enemy. The agrarian law was subsequently modified so as to allow those who had allotments of land to alienate them by sale, and by purchase, contrivance, or force, the rich soon again came into possession of all the real estate.

The next man to come forward as a popular leader was Caius Marius, unlike the Gracchi, of humble origin, and without any claims to distinction, except extraordinary genius, energy and valor. His first notable appearance in political life was in the office of tribune. In an altercation with the consul, Cotta, in the senate-house, in the year of the city, 633, Marius threatened to commit the chief magistrate to prison for obstructing a proposed enactment in regard to elections, and, when Metellus, Prince of the Senate, supported Cotta, Marius ordered him into custody, and thus carried his point by sheer intimidation. He likewise broke through the custom of choosing consuls only from the gentile houses. This august office had been considered as peculiarly patrician, though the constitutional provision prohibiting the commons from aspiring to it had long previously been repealed. Marius, in defiance of the obstinate opposition of the aristocracy, offered himself as a candidate for the consulship, and was elected. In enrolling men for the Jugurthan war he ignored the rule of selecting from the five higher classes, and most of his soldiers were

of that inferior rank known as the *proletarii* and *capite censi*, poor persons who had not money enough to be reckoned according to their means. But these men proved, in one of the most glorious campaigns in Roman history, that they could fight as bravely, and serve their native country as faithfully as the proudest knights and senators.

The plebeian multitude was rapidly acquiring undisputed control of the commonwealth. The ancient and wholesome regulations for keeping the voting lists clear of names which had no right there were neglected, and the popular assemblies were tumultuous and disorderly. Mobs elected the magistrates and dictated the administration of justice, and trials by the people were a mockery, instead of a grave and majestic solemnity. An effort to purify the suffrage by requiring all who exercised the rights of citizenship without being able to produce satisfactory title to such citizenship, to retire to their original places of abode, brought on the protracted and exhaustive conflict with the Italian allies, known as the Social War. Many of the Italians had fought in the armies of the republic and considered themselves entitled to a voice in its government. They refused to peacefully surrender the privileges they had assumed, and a majority of Rome's veteran soldiers arrayed themselves in arms against Rome. Italy became a battle field, and conquered nations beheld their conquerors engaged in mutual slaughter. In the course of less than three years three hundred thousand lives were sacrificed. At length the good judgment of L. Julius Cæsar put an end to a struggle which might have resulted in the destruction of the commonwealth. He proposed a law conferring the rights and privileges of Roman citizenship upon all those Italians who had continued firm in their allegiance, and this boon was

successively extended to others as they laid down their arms and petitioned for it.*

Numbers of the allies flocked to the capital, and registered as citizens, and the popular assemblies grew to be more turbulent and uncontrollable than before. Among the multitude who claimed the right to vote it was impossible to distinguish those who really possessed the right from those who did not, and even manumitted slaves helped to make laws for the republic. About the same period (664) the valued privilege of furnishing jurymen to the courts was made common to all Roman citizens; and the Valerian law gave welcome relief to the poor by providing that all creditors should discharge their debtors upon receipt of a fourth part of the whole sum due.

II. Meantime a bitter rivalry had grown up between Marius and L. Cornelius Sylla, who had been quæstor with Marius in the Jugurthan war, and who claimed the honor of having successfully terminated the conflict by effecting the capture of Jugurtha. The rivalry developed into a formid-

*The rights enjoyed by the allied States of Italy varied in degree. Some *municipia* possessed all the privileges of Roman citizenship, except such as could not be enjoyed without residing in Rome; others served in the Roman legions, but could not vote or hold office as Roman citizens. The *municipia* were governed by their own laws, unless they chose to adopt the Roman laws. Colonies, if composed of citizens sent from Rome, appear to have possessed full civic rights; the privileges of Latin colonists were more limited, and those of ordinary Italian colonies very circumscribed. The internal affairs of a colony were managed by two magistrates known as *Duumviri*, and by a council of decurions. Each colony commonly had a patron to look after its interests in the capital. *Prefecture* were towns governed by prefects sent annually from Rome. This form of government was imposed upon towns suspected of disloyalty, or guilty of some crime against the commonwealth. They were denied any voice in the administration of their own or of public affairs, and were ruled by the decrees of the Senate, and the edicts of the prefects placed over them.

able feud; the enemies of Marius, of whom there were many, ranging themselves on the side of Sylla. The military achievements of Marius, which far eclipsed those of any Roman commander of previous times, were belittled, and the many faults of his civil administration diligently pointed out and magnified. His haughty and uncompromising spirit would not stoop to win back the populace who had repeatedly honored him, but who now began to regard him with coldness and disfavor. Driven out of Rome by Sylla, he was compelled to hide in forests and marshes, and was not even suffered to rest amid the deserted ruins of Carthage. While thus hunted like a wild beast from lair to lair, and spending many an hour in sleepless solitude, vengeance for his humiliation and his sufferings became the overruling purpose of his mind. He was likewise sustained by a firm faith that he was destined to once more wield supreme power in Rome.

A change of government during the absence of Sylla, who was conducting the war against Mithridates, gave Marius the opportunity he longed for, and at the head of an army composed largely of liberated slaves, he entered the imperial city. For the seventh time he was elected consul, and the few days of life remaining to him were spent in visiting sanguinary retribution upon all who had been concerned in his exile. Thus was initiated that system of proscription which emasculated the republic, by depriving it of every citizen whose prominence or independence made him the object of a military tyrant's jealousy.

The reign of terror and bloodshed which followed the triumph of Sylla over the Marian faction served to prepare the people for the establishment of a permanent dictatorship. Eight thousand soldiers who had served in the armies of Sylla's enemies were put to death, and when their shrieks

penetrated the senate chamber, and excited inquiry among the fathers, the tyrant coolly remarked that the noise proceeded from some disaffected persons whom he had sentenced to be punished. The first proscription list comprised forty members of the Senate and sixteen hundred of equestrian rank, and to this list additions were made day after day, until it included as many as forty-seven hundred citizens, of whom two thousand are said to have belonged to the senatorial and equestrian orders. This proscription has no parallel in history, unless in the scenes of the French revolution under Robespierre; but in Rome an aristocrat was the butcher. Persons who had committed murders obtained remission for their crimes by having the names of their victims entered in the list of proscribed. In this way Catiline secured immunity for the assassination of his brother. Children were made to suffer for the offenses of their parents, by being stripped of their property and declared incapable of holding office. Julius Cæsar, who was a nephew of Julia, the wife of Marius, and who had married a daughter of L. Cornelius Cinna—almost as obnoxious to Sylla as Marius himself—offended the dictator by refusing to turn away his wife. The mediation of friends and the intercession of the vestals saved Cæsar from the fate which overtook nearly all who were unfortunate enough to be related by blood or marriage to Marius and Cinna.

Although Sylla made his own will a court from which there was no appeal, and was attended in public by twenty-four lictors in token of his supreme authority, he does not appear to have meditated the lasting overthrow of republican institutions. On the contrary his object seemed to be to leave the commonwealth with a well-balanced system of government, and improved and efficient laws. To supply

the vacancies in the Senate caused by his proscriptions he nominated three hundred of the equestrian order, and allowed the tribes to vote upon the admission of each of them; and to reinforce the depleted ranks of the citizens, he enfranchised ten thousand slaves who had belonged to his victims, calling them *Cornelii*. He likewise filled Italy with trustworthy dependents by colonizing the soldiers of twenty-three, or, as some say, forty-seven legions, in districts which had been disaffected. In remodeling the constitution he aimed to curb the power of the populace and their chiefs, and to revive the influence of the aristocracy. He ordained that no person who had held the office of tribune should be eligible to any other position in the State. The tribunes were deprived of the right to initiate laws, to interpose vetoes, to summon assemblies, or to receive appeals. The same magistracy could not be conferred again upon the same person within ten years. The election of priests, which had been arrogated by the people, was restored to the pontifical college, and the privilege of furnishing jurymen was confined to the senatorial order. The ancient method of election by centuries was re-established, and it was decreed that no person should be chosen consul without having passed through the gradations of *quæstor* and *prætor*.* Sylla likewise enacted that the prætors should always use the same method in judicial proceedings. With the purpose, perhaps, of preventing just such usurpations as he had himself been guilty of, he decreed that whoever had been sent with any command into a province, should hold that command until he had been recalled to Rome, and a successor sent in his place; and that it should be treason for a com-

* So determined was Sylla to enforce this law that, when one of his generals, *Lucretius Ofella*, who presumed to offer himself as a candidate for consul without being qualified, was murdered in the forum, Sylla shielded the assassin, and avowed responsibility for the deed.

mander to lead an army out of a province, or to engage in a war, without special directions from Rome; to ingratiate himself with his army with the object of making the soldiers subservient to his individual interests; to spare or to ransom a commander of the enemy when taken prisoner; to pardon captains of banditti or pirates; or for a Roman citizen to reside without orders at a foreign court. Sylla also enacted severe laws against murderers by weapons or poison, incendiaries, false accusers, forgers, corrupters of a jury, counterfeiters of writs and edicts, manufacturers and issuers of base coin, and mutilators of genuine coin, concealers and interliners of wills, and other criminals.

While in the height of his power, with the whole Roman empire, except Spain, under his absolute control, the dictator amazed the people by announcing his intention to retire to private life. He avowed himself ready to answer for any of his acts that might be questioned, and walked unattended and apparently unconcerned about the forum. He sought seclusion in a villa near Cumæ, and died, not many months later, in his sixtieth year.

As a result of the tremendous wars in which the Romans were almost perpetually engaged, Italy contained many thousands of sturdy barbarians, captured in battle and reduced to servitude. Reared in the rude freedom of a simple and unartificial life these captives chafed in the chains of slavery. Before them was no prospect of relief from bondage except by death, and that, perhaps, a death at the hand of a kinsman or fellow-countryman in the gladiatorial arena. The dormant volcano needed but a slight movement to convulse it into destructive activity. Spartacus, a Thracian destined to die for the amusement of the Roman populace, broke out, with sixty or seventy others, from a training place in Capua. Multitudes gathered under

the command of the brave gladiator, and it is said that at one time his force numbered as high as 120,000 men. He twice defeated the consuls sent against him, and for years maintained successful headway against the armies of the republic. The resolution of despair nerved his followers, for the most ignorant of them must have been conscious that the Romans would show no mercy to rebellious slaves.

M. Licinius Crassus, who had been better known as a lawyer than as a soldier, offered to redeem the tarnished honor of the Roman arms. Six new legions were raised for him, and with these reinforcements he joined the shattered remnant of the consular army. By putting to death four thousand men for cowardice he taught his troops that their commander could be more terrible than even a desperate enemy. Spartacus, after a series of unfortunate engagements, was slain, and six thousand of his adherents were crucified along the highway from Capua to Rome.

III. Luxury and prodigality continued to increase, and Rome's millionaires rivaled each other in expenditure and display. The censors vainly tried to restrain by stern severity the extravagance of the times. It had come to that pass in Rome that it was deemed more honorable to be corrupt than to be poor. Rich and ambitious men courted popular favor with lavish largesses and magnificent shows. Bribery and intimidation were rife at elections, and stringent laws were powerless to restore the purity of the ballot. The talents, energy and patriotism of Cicero for a time postponed the downfall of the republic. He defeated the machinations of the Catilinarian conspirators, and strangled the leaders in the common prison. But the vigilance and eloquence of Cicero could avail but little against the combination known as the First Triumvirate, consisting of Julius Cæsar, the idol of the multitude, Pompey, from his

youth up a successful soldier, who had just achieved new and splendid triumphs in Asia, and Crassus, an able lawyer and a man of no mean military capacity, and possessed of immense wealth. Each of the three aspired to supremacy, but they all agreed to lay aside their mutual jealousies and unite to control the commonwealth. Cæsar was elected to the consulate (691) with Bibulus, who furnished the money to bribe the centuries—notwithstanding the passage of a law in the previous consulate making exile for ten years the penalty for corruption at elections. So useless are legal barriers when not sustained by public sentiment.

Soon after his inauguration Cæsar proposed that the Campanian lands, which had been farmed at a fixed rent, should be divided among twenty thousand poor citizens, fathers of three children. His colleague, who represented the aristocratic faction, and was himself, perhaps, one of the monopolists of the public lands, opposed the measure, as also did three of the tribunes and a majority of the Senate. Cæsar would not be balked in his purpose. He cleared the forum with an armed mob, broke the fasces of Bibulus, not without danger to his own person, and wounded the adverse tribunes. Cæsar's proposition was then enacted into law, with a clinching clause to the effect that the magistrates and all the Senate should swear to observe its provisions, and to defend it against every opponent.

Having thus attached the populace to him more firmly than before, Cæsar courted the goodwill of the equestrian order by procuring a remission of a third of the amount due to the State by the citizens who contracted for the provincial revenues. The citizens who farmed the revenues of the State were known as *publicani*, and belonged, of course, to the wealthiest class. They were formed in associations which had a corporate existence, and which were represented

in direct dealings with the government by a *manceps*, or contractor. The contractor was the head of the association, he executed the security to the State for the fulfilment of the terms agreed upon, and he was held personally responsible. Each partner in an association profited according to his share in the venture. The *publicani* collected the revenues of the provinces through agents, who might be citizens, or provincials of a very low degree, and who were proverbially obnoxious—as the New Testament shows—to the people upon whose industry they levied. The business of each association was managed by a *magister* in Rome, to whom the provincial tax-gatherers made returns. Every branch of revenue was farmed, including duties on exports and imports, and the mines, some of which were immensely profitable. The *publicani* held toward the State a position somewhat similar to that of a national bank, and, on occasions of urgent need, they advanced large sums of money to the public treasury, on the security of a pledge of the future revenues. Thus the finances of the State and of its wealthiest citizens were intimately involved, and the rich were vitally interested in maintaining the integrity of the empire, and in the extension of Roman dominion over new and opulent provinces. The occasion for Cæsar's interference in behalf of the *publicani* was, apparently, that they had over-estimated the revenue likely to be collected from the recently acquired provinces of Asia, and would have been severely pressed, if held to the terms of their bids. Cæsar's course in obtaining relief for the *publicani* was in accord not only with the promptings of personal ambition, but with sound public policy, as any detriment to this class was an injury to the credit of the commonwealth.

Cæsar likewise gratified Pompey by the confirmation

and approval of all that commander's acts in Asia; and at the end of his consulate he found himself in possession of almost unbounded popularity and influence. His next aim was to become a leader and master of armies. On the proposition of the tribune, Vatinius, Cisalpine Gaul and Illyrienn were assigned to Cæsar by the people, for five years, and the Senate, whose special prerogative had thus been daringly ignored, knowing that Cæsar desired Transalpine Gaul also, and dreading the example of another appeal to the popular will, added that province to his command.

Cicero, the true patriot and statesman, was banished in the year 694, under a law interdicting fire and water to every person who had taken the life of a citizen without a trial by the people. This law was proposed by the tribune, Clodius, a noisy and unscrupulous demagogue, to whom Cicero was peculiarly obnoxious, and was directed against the summary method of the latter in dealing with the Catilinarian conspiracy. Clodius was not considered as dangerous by the Triumvirate, who, had they chosen, might easily have suppressed him, but they rather tolerated him as a tool to do work of a kind at which they might themselves hesitate, and to annoy a man whose great abilities and genuine attachment to his country and its institutions they secretly dreaded. Twenty thousand respectable citizens changed their costume to mourning, the Senate voted to appear in mourning also, and a large number of Cicero's adherents offered to resist the enforcement of the decree of exile. But Cicero respected and obeyed the law, though he keenly felt its injustice. No sooner had he departed from Rome than, at the instance of Clodius, his houses were razed to the ground, and a temple to Liberty dedicated on the site of his Palatine mansion. Clodius was so swelled with his

triumph that he tried to humble Pompey. The attempt was fatal to the incendiary's power. Pompey at once took steps to have Cicero recalled, and in a thronged assembly, composed largely of Italian citizens, a vote was passed inviting the illustrious exile back to the city. Clodius was killed, some years later, by Milo, a friend of Cicero, in an affray on the Appian way.

The Triumvirate having decided upon a division of the provinces, Trebonius, a tribune, proposed to assign Spain and Africa to Pompey for five years, Syria, with authority to war against the Parthians, to Crassus, and to Cæsar a prolongation of his command in Gaul, likewise for five years. This measure, which entrusted the whole military strength of the commonwealth to three men, was carried by an armed mob, in defiance of the large majority of the aristocracy, and of many farseeing plebeians.

Crassus, impatient to win military renown as a conqueror, fell a victim to his own rashness, and his head adorned a banquet of the Parthian king, Orodes. Thus Pompey and Cæsar were left rivals for the empire of the world. At this critical period, Julia, daughter of Cæsar and wife of Pompey, died in childbed, and no tie of affection or of interest remained to keep the two generals united. But for some time an appearance of amity was preserved. Pompey devoted his attention chiefly to civic affairs, while Cæsar continued to prosecute with astonishing success the conquest of Gaul and Batavia. Cæsar's victories made him more than ever an object of suspicion to the Senate, and Pompey began to regard his former father-in-law with increasing jealousy and distrust. About six months before Cæsar's command was to terminate it was moved in the Senate that he should be required to dismiss his army on a certain day, or be pronounced a public enemy. Two of the

tribunes, Mark Antony and Q. Cassius, interposed a negative. At the following meeting the form of decree reserved for exigencies of imminent peril, calling upon the magistrates to see that the commonwealth suffered no injury, was adopted.

It is unnecessary to tell here the story of Pompey's downfall and of Cæsar's triumph. The question fought over and decided was not whether Rome should be free, but who should be master of Rome. A military dictatorship had come to be, if not a recognized, certainly an actual and most important part of the Roman system. Pompey represented the legally established government, and Cæsar was in the eye of the law a rebel; but the result, as far as the Roman people were concerned, would have unquestionably been the same had Pompey proved victorious—such an aggrandizement of the conqueror as to make him absolute in the State.

Cæsar did not even show that deference to constitutional forms which Sylla, notwithstanding his severity, had observed. In his second dictatorship Cæsar appointed by his sole authority two of his friends consuls, a mode of nomination which he continued during the remainder of his life, even going so far as to name C. Caninius Bibulus consul for one day. The choice of the other officials he divided with the people. On his return to Rome, after the overthrow of the Pompeian party, and of king Juba in Africa, he celebrated his victories by four separate triumphs of unprecedented magnificence. The battle of Munda made Cæsar autocrat of the Roman world, and the honors which followed his fifth triumph show the extraordinary debasement to which a once proud and liberty-loving people were reduced. The Senate hailed him as Father of His Country and *Imperator*, besides the official titles of Perpetual Dictator, consul, and

prefect of morals. The senators formed an association under the sanction of an oath for his personal security and defense, provided a golden chair for him in the senate-house, and in the courts of justice, and a lofty seat in the theatre. His statue was placed among those of the kings, a priest was set apart for his worship, and a month was called after his name. That he desired a crown cannot be doubted, though he wisely pretended to shun the dangerous emblem. He was a king, however, in all but the title. Coins were stamped with his image, and he made and annulled laws at his pleasure. To the commons he was gracious and affable. Members of the aristocracy were treated with courtesy, indifference, or contempt, according as he felt toward them. On one occasion he did not even rise when the whole body of the Senate approached him with a humble and flattering address. As a prefect of morals Cæsar was severe. He enacted sumptuary laws in regard to dress, the wearing of purple, of jewelry and of pearls, and even extending to eatables sold in the market. He is said to have put to death a favorite freedman for seducing the wife of a Roman knight, and to have pronounced void the marriage of a person of prætorian rank with a lady who had left her husband only two days before. The reformation of the calendar has been of more lasting benefit to mankind than all his victories.

Cæsar was not of a revengeful disposition. If his enemies obstructed the pathway of his ambition he swept them aside; otherwise he did not seem to notice their existence. Money he regarded merely as an instrument for attaining his ends; and he expended it with unparalleled extravagance. He was prompt and thorough in action, and dealt blow after blow until the foe was annihilated; and, thus, when he changed his scene of operations, he was with

out dread of an attack from the rear. He had supreme confidence in his own good fortune; but, while this confidence buoyed him up in critical and adverse circumstances, it finally proved fatal to him, for it led him to contemn due precautions for his personal safety. He scrupled at nothing in accomplishing his designs; the constitution, the laws, and the sacred ties of kinship were alike trampled upon when they presented obstacles to the perfection of his schemes. He did not hesitate at bribery, when bribery served his purpose; and his wholesale exhibitions of gladiators, and the merciless massacres of Gauls and Germans, showed that with him the destruction of human life was merely a matter of policy. He was not without libidinous instincts, and gratified them when their gratification did not interfere with the more potent lust for power. That he was capable of binding men to him by a deep and loyal attachment is evidenced by his wonderful popularity, the unwavering fidelity of his soldiers, and the sincerity with which his death was mourned by the multitude. As a statesman he has been compared to the First Napoleon; but I cannot perceive the justice of the comparison. Cæsar nullified the republican constitution; but he did not frame a new one to fit the new order of things; he only substituted the sovereignty of an emperor for the sovereignty of the people. It is almost needless to say that he was eloquent; for eloquence was an indispensable requisite in anyone who had high political aspirations in Rome; as an author, too, he presented his facts with clearness and conciseness; he came right to the point without wasting words, and wrote a book as he managed a campaign. In person Cæsar was tall and spare; his face was generally pale and his body weak, and he was subject to epileptic fits.*

* Cæsar's will showed that he was not ungrateful to the people who had given him an opportunity to achieve his high estate. To each and

Even Cæsar could not have obtained the perpetual dictatorship in the character merely of a demagogue, and in a time of tranquility. Would-be tyrants and oligarchs have usually compassed their aims either by open force, or by corrupt machinations, when the public mind has been distracted by perilous wars, and Cæsar was no exception to the rule. The experience of Rome is a lesson that republics which value freedom should cultivate the arts of peace, and have as little use as possible for an army. The army, like fire, is a useful servant, but a terrible master. Conquests, whether of insurgents at home or of enemies abroad, give a dangerous importance to successful commanders, who are borne on the warm tide of popular enthusiasm into high civil offices, for which by training and experience they are utterly unfitted. Accustomed to the blindest obedience, to having a thought executed almost as soon as conceived, they are irritated by constitutional trammels, and slash through them as Alexander slashed the Gordian knot. The eyes of veteran soldiers are dim to their former general's errors and crimes. When they cannot approve they extenuate. The warnings of Ciceros are ascribed to malice or disappointed ambition, for the masses are slow to believe that a man who has saved his country would attempt to destroy its liberties, although history affords more than one example of the kind. After awhile the people begin to relish semi-military rule, and call it "strong government." The end is then not difficult to foresee. Liberal forms may continue to exist, perhaps for ages, but the substance of liberty disappears.

The effort of Cæsar's patrician assassins and their sympathizers to re-establish the ancient constitution failed

every Roman citizen he bequeathed three hundred sesterces (about \$11), and his gardens near the Tiber to the people. It is not strange that the poor mourned such a generous benefactor.

signally ; and the empire was again converted into an arena in which military chieftains battled for supremacy. Society became disorganized, and distinctions of class were ignored in the general turbulence and strife. Proscription followed proscription, and even Cicero was not suffered to die in peace in the country whose liberties he had survived. Slaves were enlisted by thousands in the ranks of the legions, and fugitive bondmen pushed their way into the once august and exclusive council of the Senate. Octavius came out victor from his gigantic duel with Mark Antony, and proved himself an heir to Cæsar's genius as well as to Cæsar's wealth. Once securely seated on the imperial throne, he applied himself to reorganizing the scattered elements of society and healing the wounds of war. Excellent laws were enacted for the government of the empire, and so beneficent and acceptable was the rule of the second Cæsar that all thoughts of restoring the commonwealth were given up forever.

CHAPTER XI.

IMPERIAL ROME, FROM AUGUSTUS TO VESPASIAN.

- Part I.—Three Periods in the Constitutional History of Imperial Rome—Attributes of the Early Roman Emperors—Dual Civil and Military Character of the Imperial Dignity—Change in the Signification of the Title, “Prince of the Senate”—The Imperial Household—The Comites—The Legislature of the Empire—All but the Wealthy Excluded from the Senate—The Senate as a High Criminal Court—Appeals to Cæsar—The Emperor in the Senate—The Imperial Prerogatives—Republican Offices and Forms Retained—The Prefect of the City—Departments of the Civic Administration—Compensation of Magistrates, and of Provincial Rulers.
- Part II.—Proconsular Power—Condition of the Roman Provinces under the Empire—Influence of Gallic and Iberian Blood—Intellectual Culture—Division of the Provinces into Imperial and Senatorial—All Real Power Centred in the Emperor.
- Part III.—Augustus Reorganizes the Armies—The Prætorian Guard and other Household Troops—The Garrison of Rome—The Legions—Qualifications for Legionary Service—Pay of the Soldiers—The Auxiliaries—The Imperial Policy in Regard to the Military Occupation of Provinces.
- Part IV.—Expenditures and Revenues—A Dual Tax upon Polls and Landed Property—Various Sources of Revenue—The *Ærarium* and the *Fisc*.
- Part V.—The Supporters of Cæsar—The Provincials Generally Contented—Enemies of the Empire—Aspirations and Weakness of the Old Roman Nobility—Gradual Extinction of the Ancient Families—The Aristocracy of the Empire—The *Comitia* Abolished by Tiberius—Extension of Citizenship to Provincials—Rights and Privileges of Roman Citizens.
- Part VI.—The Important Part of the Prætorian Guards in Imperial Affairs—Making and Unmaking Princes—Caius—Claudius—Nero—Galba.

I. The civil history of the Roman empire may be divided into three periods. The first period began with the establishment by Augustus of a constitution in which the emperor was the central and commanding figure, but yet nominally and legally the chief of the Senate, exercising power and jurisdiction delegated to him by that body in behalf of the Roman people, and initiating general legislation to which shape and force was given by the senatorial decree. The end of this period may be fixed at about the accession of Septimius Severus to supreme authority, although the obliteration of the law-making function of the Senate was very gradual, and both Severus and his son and successor, Caracalla, were in the habit of enacting legislation through the medium of the senatorial body. The second period in the constitutional history of imperial Rome witnessed the assertion and recognition of the right of the legions to choose an emperor, independently of the Senate, and, as the emperors thus elected exercised the prerogative of making laws without the formality of consulting the Senate, the Roman empire may be said to have become a military despotism. Nevertheless the despot was still an *imperator*, and *imperator* was a title handed down from the age of the free commonwealth, and incongruous with the servile notions inspired by the word *basileus*, or king. It was not until the reign of Diocletian that the gorgeous forms of oriental royalty were substituted for the comparatively martial and simple surroundings of the imperial court, and that a numerous privileged class was created, with fantastic titles, extravagant allowances, and splendid uniforms, and a vast and crushing system of taxation organized, which squeezed the life-blood out of agriculture, and enriched the pampered parasites of despotism.

The attributes of the early Roman emperors consisted

of the functions of all the high offices of the republic concentrated and perpetuated in one man; but the functions of offices which had been created with a view of maintaining a free constitution were, of course, distorted and exaggerated when applied to the uses of an autocrat. The title of *imperator* indicated the emperor's supreme command of the military forces; as prince of the Senate he was the chief of the Roman legislature; as high priest of the pontifical college, he was the head and champion of the church; and he was endowed with the authority and sanctity of consul, tribune, and censor. "Prince of the Senate" had, during the republican period, been a title merely of honor and of dignity, but Augustus gave to it a much more extended significance. The title was gradually divested in legal and popular acceptance of its connection with the Senate, and *Princeps*, or "Prince," was used alone, so that the emperor was spoken of in his civil capacity as "The Prince," meaning that he was the chief, not only of senators, but of the Roman world. "My condition," said Tiberius, in a letter to the Senate, "is not that of an ædile, a prætor, or a consul; let those magistrates confine themselves to the exercise of their special functions, and labor for the commonwealth each in his own province; wider and loftier are the duties which devolve upon the prince." In his capacity of prince the *imperator* issued decrees and ordinances for the guidance of magistrates and the government of provinces, and in process of time the edicts, rescripts, and official letters of the emperor were collected, revised, and arranged under the name of "the prince's constitutions," and it came to be generally accepted that the will of the prince had the force of law. The emperor's military character was made prominent in the organization of the imperial household. It had been customary, from

the earliest times of the commonwealth, for the commander of an army to be accompanied by a retinue of young noblemen, called *comites*, who were entrusted with honorable and confidential duties about the person of the general. Augustus carried the same system into the palace. His steward was known as the *comes castrensis*, or companion of the camp; his privy-councillor was the *comes consistorii*; his private purse was handled by the *comes largitionum privatarum*, and his public exchequer was managed by the *comes largitionum sacrarum*. The term *comes*, or companion, came to be regarded as a title of dignity, and was applied not only to officers who held positions near the imperial person, but also to lieutenants to whom were confided special stations and duties abroad. Augustus made no offensive display of sovereignty, and carefully avoided the Oriental symbols of kingly power. Although decidedly aristocratic in his sympathies, and refined in his tastes and in his choice of associates, he was affable and accessible to the poorest Roman. To all appearances he was only the first citizen of Rome, although he held the power of an autocrat.

Augustus made the Senate the legislature of the empire, at the same time that he prescribed a property qualification for the senatorial dignity which practically excluded all but the wealthier class of citizens from that council. The lowest of the people were thus debarred from office, a disturbing element was neutralized, and the interests of property were enlisted in the cause of the Cæsarian dynasty. Augustus also transferred to the Senate the jurisdiction formerly within the province of the popular assemblies, of trying and condemning persons accused of high crimes, especially such as were charged with treason. The Senate appointed prosecutors from the body of its own members, and the verdict, when an emperor was known to be anxious

to get rid of the accused, could be anticipated. At first the sentences pronounced were immediately executed, but Tiberius ordered that no one doomed to death by the Senate should be executed within ten days, so that the emperor might have time to reflect upon the propriety of the judgment, and, perhaps, also to increase its severity. Thus the Senate was both the legislature of the empire, enacting laws dictated by Cæsar, and the high court, from which there was no appeal, except to Cæsar.

When the Senate conferred upon Augustus the consular power for life, that body likewise decreed that he should occupy a seat between the two actual consuls in the meetings of the Senate, and that he should be constantly attended by twelve lictors. The emperor was also authorized to propose a single measure at any one sitting of the Senate. The emperor's consular authority enabled him to initiate and guide legislation, while, being invested with tribunal power, he could stop with his veto the passage of any measure obnoxious or distasteful to him. All tribunal jurisdiction became merged in the emperor, and the inviolability which had always attached to the office of tribune was transferred to the imperial person, and, by a later fiction of law, even to the statues and images of the Cæsar. The protection which it had been the province of the tribunes to extend to the commons, when oppressed by patrician magistrates, was represented, under the imperial rule, by the prerogative of pardon. In the quality of censor the emperor possessed undefined and therefore unlimited authority to inquire into and correct the private habits of citizens, and to arbitrarily degrade and punish those who had incurred his disfavor. As Supreme Pontiff and head of the Roman religion he had full control over the temples and their priests, and over all matters pertaining to the worship of the gods, and it

was not difficult for the pliant and obsequious priests of the empire to construe any departure from the recognized forms of religion as treason against the imperial majesty.

Augustus did not abolish the old republican offices, although he appropriated all real authority to himself. The popular assembly was convoked, as in former times, but the emperor, through his officials, dictated the course to be taken upon any question, and the names of persons to be elected magistrates. In order to strengthen his own supremacy, and to insure the tractability of the popular assembly, he extended to certain Italian municipalities—probably the twenty-eight military colonies founded by himself—the privilege of having their votes counted in Rome without resorting to the city. The consuls were allowed to enjoy all the honors which had appertained to their august position when they were in fact, as well as in name, the supreme magistrates of the commonwealth. They wore wreaths of laurel, they sat in curule chairs, and they were guarded by lictors, whose axes and rods were, however, but meaningless symbols. The year was styled after the consuls, a custom which outlived the fall of the western empire. Every person on horseback, upon meeting a consul, was required to dismount, in token of respect, and persons who were seated arose upon their feet. It is strange that the Cæsars never showed any jealousy of the existence of the consulate. On the contrary they treated the office as a splendid bauble, with which they gratified their favorites. The duties of the position were almost nominal, and consul came to be little more than a title of honor, but still the highest title which imperial caprice or gratitude could bestow. The prætors continued under the empire, as under the republic, to be the administrators of civil and criminal law, although the emperors frequently

interfered with the course of public and private justice, and exercised an appellate jurisdiction over all courts. In fact, some of the Roman jurists held that the people having surrendered their own sovereignty to the monarch, the latter was above the law, and was endowed with the same unlimited discretion which the people had originally possessed in their sovereign capacity. This view was certainly accepted by the emperors in practice, and the enforcement of laws was as completely under the control of the prince as the making of laws. Indeed, the prætors were but the creatures of the emperor, and owed their office to his will, and could be unfrocked by a word from the master who had made them what they were. The prætors issued edicts upon their accession to office, as during the republican period, stating the rules they would follow in their judicial action, and they were prohibited from departing from the canon thus laid down by themselves. The *judices* for the trial of causes were selected from the senatorial order, the knights and tribunes of the treasury, and also from a fourth class, added by Augustus, consisting of citizens owning property worth two hundred thousand sesterces. The last-mentioned class were, however, allowed to try cases only of minor consequence.

Augustus made a singular change in the nature of the quæstorship. In the infancy of the Roman commonwealth two inferior magistrates, known as quæstors, were elected by the people to relieve the consuls from the care of the treasury, and a similar assistant was granted to every proconsul, and to every prætor or proprætor who was entrusted with a provincial command. As Roman conquests extended, the number of quæstors grew to four, to eight, to twenty, and, for a brief time, it is said, to forty. As the office was a stepping-stone to higher dignities, and was

accessible at the early age of thirty years, young and ambitious nobles eagerly sought for it. Augustus was accustomed to select one of the distinguished youths to read his messages, or epistles, to the Senate, and this practice was followed by succeeding emperors, until the occasional commission became a permanent office, and the favored quaestor assumed the new and important character of expounder and annunciator of the imperial will and judgment, as expressed in edicts proclaiming what should be law, or in interpreting what already was law. Augustus relieved the quaestors from the charge of the public treasury, and entrusted them with the honorable but far less onerous duty of keeping in their custody the records of the Senate, as well as the receiving and entertaining of ambassadors. The aedileship continued to exist, but the attributes which had given dignity and importance to the office were alienated from it. Augustus assumed the duty of superintending the rites of religion, and of guarding against the adoption of novel and unrecognized forms of public worship, and he allotted to commissions known as *curatores*, the direction of public works, the care of streets and of highways, and other important functions which had been within the province of the aediles. He entrusted the curule aediles, for a time, with the duty of extinguishing fires, and placed a body of one hundred slaves at their command for this purpose; but this office was subsequently transferred to the prefect of police. The aediles gradually sank to the grade of common inspectors and detectives of vice and crime, and it was difficult to induce persons of respectability to accept the office. They had charge of the regulation of baths, eating-houses and brothels, and the registration of prostitutes, and they searched out and destroyed libellous publications. The tribunes were likewise

appointed, as during the republican period, and were still in theory endowed with the power to veto a resolve of the Senate, and to annul the judgment of a magistrate; but no one but the master of the Roman people dared to pretend to the actual possession and exercise of such important prerogatives.

With the purpose of having the reins of the city government gathered in his own hands, so that he might direct affairs more readily than he would be able to do through the medium of various magistrates, independent of each other, and each jealous of any interference with his own peculiar jurisdiction, Augustus infused new life into the decayed and almost forgotten office of prefect of the city. Under the rule of the kings the prefect had acted as viceroy during the absence of the sovereign, and the consuls had delegated their authority in a similar manner until the creation of the prætorship. The prefecture then became a merely nominal office, except on the occasion of the holidays known as the *Feriv Latinæ*, when the prefect outranked all the ordinary magistrates, and convened the Senate. Augustus revived the ancient authority and dignity of the prefect, and made that officer his deputy and representative in the general oversight of all matters pertaining to the government of the city. While the emperor was himself in Rome, the proper functions of the prefect were limited to the arbitration of disputes arising between masters and slaves, patrons and clients, wards and guardians, usurers and debtors, the superintendence of the city police, and the preservation of the public peace; but when the prince absented himself temporarily from the seat of empire, the prefect exercised almost unlimited jurisdiction not only in the city, but for one hundred miles round about. He could summarily arrest and cause to be

deported to an island any person suspected of ill designs toward the majesty of the emperor, and might prohibit any suspected person from approaching the city. His power was only bounded by his knowledge of the wishes and intentions of his chief. It was important that an office of such grave responsibility should be held by a person who had deserved and won the full confidence of the emperor, and Augustus installed as the first prefect of imperial Rome his tried friend and intimate, Mæcenas. The successors of Augustus were not always discriminating in their choice of a deputy, and under the reign of depraved and tyrannical Cæsars the duties of prefect were not unfrequently discharged by persons whose only claim to the honor was their vile and corrupt subserviency.

It was said that Mæcenas counseled Augustus to furnish public occupation for as many citizens as possible, and thus bind them to his throne by the ties of interest. Augustus followed the policy indicated. He delegated the several departments of the city government to commissions, each headed by a responsible prefect, who was subordinate to the prefect of the city. The superintendence of the streets in Rome was entrusted to a board, known as the *quatuorviri*, whose duties were similar to those of street commissioners in an American city, and the care of the highways in the neighborhood of Rome devolved upon the *curatores viarum*. The *curatores operum publicorum* managed the public works, while a large number of other official bodies attended to the distribution of corn, the navigation of the Tiber, and the supervision of public games and amusements. By attaching to each office a stated compensation, and by virtually insuring to every office-holder a position for life, or during good and faithful behavior, Augustus rendered the whole administrative machine a pliable and willing

instrument of his autocracy, and he also gratified the people by relieving them in a degree from the contributions which unsalaried officials had been accustomed to exact by more or less dishonorable methods. The higher magistrates, the splendor of whose positions was considered an adequate recompense for their labor, continued to serve without remuneration both in Rome and in the municipalities, but all officials whose duties were more burdensome than honorable were regularly paid. The proconsuls and proprætors, to whose dignity the payment of a fixed compensation might have been considered derogatory, received an ample allowance from the local treasuries for the maintenance of their households, and this allowance was, in fact, equivalent to a salary, being more than sufficient to meet the expenses even of an extravagant provincial court. Nevertheless, the emperors were frequently called upon to protect cities and provinces from arbitrary requisitions, levied under the pretense of maintaining the proconsular retinue, or extorted under the form of presents willingly offered. But notwithstanding the greed of many of the provincial rulers, cities vied for the honor and advantage of entertaining them; for the attractions of the young noblemen who accompanied the proconsul, the splendor of his equipage, the games and festivals which were celebrated in his honor, and the concourse of citizens from the surrounding districts to seek favor or appeal for justice, all tended to make the proconsular visit a memorable and profitable event.

II. The proconsul or proprætor was supreme within the limits of his command, and he exercised the authority implied by the term *imperium* not only over the enlisted soldiers, but over the whole body of provincials. He administered justice according to the laws prescribed for the government of the province by the Roman Senate, and, in

default of such regulations, according to the edicts adopted or promulgated by himself. Important cases were judged by the proconsul or proprætor in person, and matters of lesser gravity were referred to a quæstor or to a legate. It was usual for the proconsul to be assisted by the advice of a council of twenty respectable citizens of the province, but this council possessed no legislative power, nor any jurisdiction whatever except such as the proconsul chose to confer upon them. They were simply advisers, and the provincial governor might give such weight to their opinions as he saw fit. He might play the autocrat, or allow to the inhabitants of his province almost unlimited self-government. It was the policy of Rome, when the constitution of a conquered State was not repugnant to Roman principles, or dangerous to Roman supremacy, to interfere as little as possible with the local administration. The Roman governor held the reins, and could tighten or slacken them at will, and his authority, as the representative of the sovereign city, was never allowed to be questioned; but old forms and customs were respected, and the people, as in Athens and other Hellenic cities, were permitted to elect their own magistrates and direct local affairs through their general assemblies very much as if they were yet independent. Even in the days of the empire the petty States of Greece were not unfrequently rent by partisan contention as fierce as any which enlivened their earlier history. In the provinces of the west, where the inhabitants, previous to the Roman conquest, had enjoyed liberty of a rude and semi-savage kind, Roman institutions were generally introduced, and the people being educated according to the Roman forms of civilization, became as Roman as the Romans themselves. Their ages of barbarous independence were forgotten, and their traditions were identified with those of their conquerors. They

enjoyed the benefits of a liberal government, they could aspire to the highest honors of the Roman State, and the flower of their manhood fought side by side with the native Italians under the standard of the commonwealth. The vigor of the Roman people during the two centuries which followed the usurpation of Julius Cæsar was due largely to the infusion of Gallic and Iberian blood, just as the progress of intellectual culture and of the arts was due to the influence of Hellenic learning and talent. But the races of Asia, cowed and corrupted by centuries of kingly tyranny, were denied privileges which might have been mistaken for concessions prompted by fear, and the Jews in particular, who were regarded as a rebellious and stubborn people, were kept in strict and inflexible subjection to the central authority. Nevertheless, the Roman dominion in the East was immeasurably more equitable and more liberal than the drunken and capricious despotism to which the nations of that quarter had been accustomed. The Romans were too wise to draft the enervated Asiatics into their armies, and all the inhabitants had to do was to bear heavy exactions uncomplainingly, change their allegiance with every change at the centre of empire, and add to their galaxy of divinities any new beings, existent or imaginary, whom Cæsar or the Senate proclaimed to be gods.

The right of Roman citizenship, at first conferred only upon States in the immediate neighborhood of Rome, had gradually been extended to all Italy, subsequently to a portion of southern Gaul, and at length to the inhabitants of various cities and districts throughout the empire. Enfranchised towns were known as *municipia*. During the republican period a *municipium* was a petty commune, or State, in itself, subject to the general laws enacted by the Roman people, but otherwise self-governing, electing its own

magistrates and priests, administering its own property, and making and enforcing local ordinances for the maintenance of the public peace, the regulation of weights and measures, and the preservation of health. The wealthier citizens, who bore the burden of taxation, and from whose ranks the magistrates were selected, were organized in a body called the College of Decurions. The origin of the term, "decurion" is in dispute. I am inclined to the opinion that the word meant a "foreman," or "leading man," and was of military derivation, traceable, perhaps, to the age when to be a freeman was to be a soldier. After the abolition of popular assemblies in Rome, the College of Decurions became invested with almost unlimited authority in municipal affairs, and the general body of citizens was seldom summoned to pass upon any subject whatever. The College included all property-owners who enjoyed a certain landed income, and, as the line does not seem to have been strictly drawn, it is probable that every freeman of substance and position in the community was qualified for curial burdens and dignities. The College enacted local laws, and elected the magistrates, provided public games and amusements, and administered the municipal property. The chief magistrate, who was known by different titles in different cities, held office for one year. He presided at the meetings of the College, and, as a justice of police, tried and punished the violators of municipal ordinances. A censor performed duties similar to those of the censor in Rome; a *curator reipublice*, or comptroller, managed the finances, loaned and borrowed money in the name of the city, farmed out the municipal lands, and exercised a general supervision over public property. The *Trenarchæ*, or commissioners of police, searched out and prosecuted offenders. Other officials attended to the inspection of public buildings, of

the markets, and of weights and measures. The festivals and games were in the special charge of the chief magistrate and of the ædile. Taxation was light, the central government asked for no contributions, and in many instances the income from municipal property was more than sufficient to meet current expenses. Cities grew and flourished, the rank of decurion was eagerly aspired to, and the magisterial dignity was the object of ambitious rivalry. After the virtual abolition of the *comitia*, or general assemblies of the Roman people, there was, of course, no occasion for the Roman citizens resident in the *municipia* to resort to the central city, and it was customary for each municipality to send two members of the Curial College to Rome to watch over the interests of their town, and to procure favors which might be desired by its citizens.

Augustus divided the provinces into imperial and senatorial. To the Senate he apportioned the quiet and submissive regions of the empire, while he retained for himself the control and direction of the important frontier provinces, in which it was necessary to maintain a large military force. The officers whom he appointed to command over the frontiers were his military lieutenants, selected by him from any rank or order of citizens, and directly responsible to, and obedient to himself alone. They knew no master but the emperor to whose grace and appreciative judgment they owed their elevation, and their disciplined legions were ready at the emperor's beck. The governors nominated for the senatorial provinces were, on the contrary, men who had held the highest civil offices, and who achieved their position through the old republican forms. Nominally they outranked the imperial lieutenants, but their power was no more than a splendid shadow. The emperor, while permitting the Senate to make the nominations, assumed

the right to supervise the administration of the senatorial provinces. Thus the same high prizes which had tempted ambition and rewarded merit during the period of the commonwealth, were still open to the competition of the wealthy and patrician Romans; the Senate still, year after year, sent proconsuls into the provinces, as in by-gone days, with a noble retinue and the emblems of authority; but the real power was centralized in the man whose trusty lieutenants commanded the armies of the empire.

III. The emperor was the head of a thoroughly organized military system which ramified the Roman dominions from the capital to the most distant borders; in the imperial palace itself the surroundings were military, and the prætorian guards—so-called from the select batallion which stood guard around the general's headquarters in the field,—watched over the safety of the emperor's person, and was ever prepared to enforce his orders without regard to civil formalities. The prætorian soldiers were natives of Italy, being recruited from Latium, Etruria, Umbria, and the ancient Roman colonies of central Italy, whose loyalty could be relied upon. They received double the ordinary pay of a legionary, and were gratified with frequent largesses, and their term of service was shorter than that of the regular troops. In addition to the prætorian cohorts, the emperor maintained in Rome a corps of picked veterans from the legions, several hundred in number, a body of German foot, and a squadron of Batavian horse. The total force of household troops probably numbered five or six thousand men. Augustus also established a regular garrison in Rome, consisting of four cohorts of fifteen hundred men each, like the prætorian guard, exclusively of Italian birth. Besides the troops who were immediately under the direction of the emperor, there was a body of police called

vigiles, or watchmen, whose duty it was to preserve the public peace, arrest criminals, and execute the judgment of the magistrates, and who were responsible to the prefect of the city. Thus, while the armed force in Rome was not numerous enough to create an appearance of military occupation, it was amply sufficient to uphold the dignity and supremacy of the emperor, to put down any tumult or insurrection, and to overawe those inclined to disorder.

The legions organized for the general defense of the empire were twenty-five in number. They were distinguished by numbers according to the order of their formation, such as *prima*, *secunda*, *tertia*, and by names indicative of the provinces which they had subdued, such as *Gallica*, *Illyrica*, or of the regions in which they were quartered, and likewise by some designation of no special significance, such as *Martia*, *Fulminatrix*, *Rapax*. The full complement of each legion was six thousand one hundred foot, and seven hundred and twenty-six horse. To the first of the ten cohorts in a legion was assigned the defense of the standard and of the emperor's image, and this cohort was twice as strong as the others. The legions were filled chiefly from the provinces. The system of recruiting was far more discriminating than during the times of civil war, but courage and capacity for physical endurance were the main qualifications, nativity or citizenship being of but little consequence. The freedom of the city was often bestowed as a reward upon the faithful veteran, instead of being, as in the early days of the commonwealth, the indispensable requisite of the youthful soldier. The army received regular pay, varying from a *denarius* (about seventeen cents), which was the stipend of the common legionary, to probably double that sum for a centurion, and four times for a tribune. As the purchasing

power of money was far greater than what it is to-day, the pay of the legionaries was amply sufficient to procure for them the comforts and the petty luxuries for which soldiers in all ages have had 'a predilection. Large bodies of auxiliaries, levied from the most warlike nations dependent upon or allied to Rome, were attached to each legionary division, and it is computed that the whole standing army of the empire, exclusive of the force maintained in the city of Rome, numbered not less than three hundred and fifty thousand men.

It was imperial policy not to garrison a province with troops levied in the province, in order to prevent the engendering of associations dangerous to the integrity of the empire. Nevertheless, certain legions were stationed permanently in certain provinces, and the long term of service—sixteen years—was favorable to the formation of binding ties of fraternity and mutual friendship between the soldiery and the people among whom they lived; so that provincials took a deep interest in the fortunes of their legionary protectors, and shared in the pride of their triumphs and in the dejection of defeat. So strong did this attachment become that a commander rebelling against the emperor, and setting himself up as a candidate for the throne, could nearly always rely upon the active sympathy and support of the inhabitants of his district, and it is almost needless to say that an insurgent, with a well-drilled and devoted army, and with a faithful province as a base of supplies, and a refuge in case of disaster, stood a fair chance of success in his undertaking. To a modern student of history the permanent occupation of a province by certain legions under a certain commander, who exercised autocratic authority over the soldiers and over the inhabitants, seems a weak point in the Roman military system. It gave an

opportunity for the general to ingratiate himself with both the troops and the people, at the expense of their loyalty to the emperor, and, if the nominal head of the State showed signs of feebleness, to strike a blow for the mastery of the empire itself. An Augustus, a Vespasian, or a Trajan could require and enforce the ready obedience of their lieutenants, but inferior princes, without capacity or courage to maintain their rights in the field, were compelled to submit to the arbitrament of war, and yield their titles and their lives to any formidable competitor with an army at his back.

IV. The cost of supporting the legions was borne by the provinces in which they were quartered; but the expense of the pay and equipment of the troops stationed in Italy, and of the maintenance of the fleets which guarded the coasts and protected the commerce of the empire, was met from the general treasury. Other financial burdens of an imperial nature were the compensation of the numerous subordinate officials engaged in the various departments of the Roman civic government, the equipment of the vast army of slaves employed upon the public works, the cost of public shows and entertainments, and the expenditure for corn, wine and oil, corn being given away to the poorer citizens, and wine and oil sold at an almost nominal price. The ancient tax known as the *tributum* had fallen into disuse during the flourishing period of the commonwealth, when the treasuries of the world were being poured into the coffers of Rome; and the public domain, having been allotted to veteran soldiers and other landless citizens, no longer yielded a revenue. In order to meet the greatly increased expenses of the imperial administration, a capitation tax of a dual kind was imposed upon real property and upon polls. The soil of the provinces was divided into portions known as *capita*, of the estimated value of one

thousand *solidi* in one such fiscal unit, so that one large proprietor might be rated as the owner of a number of *capita*, while the land of several small proprietors might be combined to form one *caput*.* The classes who possessed no landed property paid a tax upon their personal effects. Common laborers and slaves, who owned nothing, were simply rated according to their polls, and the sum due was collected from their masters or their employers. In some of the provinces, such as Africa and Egypt, the revenue was collected in kind, for the purpose of supplying the capital with corn for public distribution, and, instead of a tithe of the produce being exacted, the land-owner was required to deliver to the nearest imperial storehouse a fixed quantity of grain, based upon an estimate of the productive nature of the soil. In provinces not specially designated as granaries, corn or other produce was accepted at its market value to an extent limited by the requirements of the government; but the demand was, as a rule, quite equivalent to the supply; for the provisions not needed for the sustenance of armies engaged in almost continual warfare, and of the multitude of slaves in the public employ, were readily disposed of to the Roman populace. The State continued, as in the republican era, to derive an income from gold, silver and other metallic mines, and quarries of marble and other valuable stone. The mines were let to contractors, or associations of *publicani*, as during the commonwealth period, and the State supplied the contractors with the forced labor of convicted criminals, and sometimes with the reluctant industry of the regular soldiers. At a later period the population of mining districts, which probably included a large proportion of released convicts, was reduced to a sort of

* A *solidus*, or *aureus*, was equivalent in intrinsic value to about five dollars in gold.

peonage, being bound to the soil, and forbidden to emigrate, but allowed to hire out their own labor in the mines. Salt works, fisheries and forests were likewise farmed to contractors, but the State kept in its own hands the collection of duties on exports and imports, of the tolls and dues of cities, roads and bridges, and of the numerous imposts with which the luxuries, and even the necessities of life were burdened.* The taxes gathered were paid into the general treasury of the commonwealth, known as the *ararium*, which was in charge of officers nominally responsible to the Senate, but really under the control of the emperor; but in the provinces governed by imperial lieutenants the proceeds of taxation were used for the support of the local administration, and the surplus went to the imperial fisc. The distinction between the public treasury and the emperor's private coffers did not, however, last long, and the revenue of the whole empire came in course of time to be regarded as the personal income of Cæsar, and was expended in accord with the will and pleasure of the prince.

V. Thus we see that in the imperial system as framed by Augustus, republican forms were preserved, and republican traditions, dear to the hearts of the Romans, were respected, but the emperor was none the less an autocrat, whose will was the highest law, and to whom the vast army of officials, from Batavia to Judæa, looked as their patron and their master. The emperor through his prefect, superintended the minutest details of the city administration,

* Augustus increased the duties on exports and imports, and also increased the number of articles liable to such duties. The ordinary rate of duty was one-fortieth of the value of the goods, but a person might import free of duty any article intended for his own use. Smuggling was common, and the means taken by agents of the customs to detect smuggling were as offensive and annoying to travelers as they are at the present day.

while his prætorian guard overawed the turbulent and the treacherous at home, and faithful lieutenants watched over the imperial interests in the provinces. Colonies of veteran soldiers were scattered throughout Italy, and a stamp of Cæsar's foot would have summoned an army from the plough-share. The emperor had a loyal and vigilant supporter in every well-paid legionary, in every office-holder, and in every poor citizen who depended upon imperial charity for his daily dole of corn, and upon imperial munificence for the privilege of enjoying the public shows and entertainments. The provincials were generally contented with the comparatively mild government of the imperial lieutenants and proconsuls. Their fertile lands and their growing cities were no longer the fighting-ground of rivals for the supremacy of Rome, and they enjoyed the advantages, while they did not witness the excesses of despotism.

The most dangerous enemies of the Augustan dynasty were the Romans of gentle blood and heroic ancestry, who felt that they were the equals of Cæsar himself in all but the possession of usurped authority, and some of whom rivalled the kings of the East in the grandeur of their palaces, and in the number of their slaves. They paid sullen homage to the ruler who had it in his power to crush them, but the eyes of their minds regarded him with envy and with hatred. Not that the Roman nobility were lovers of liberty and of popular government,—on the contrary they were equally hostile to the populace and to Cæsar, and would have preferred to see the control of the State divided among their own class, instead of being centered in one man. But they were utterly impotent to bring about a revolution, or even to make a stand against the encroachments of the sovereign. An emperor might brush aside by

a mere expression of his will the most sacred immunities and privileges of a gentile family, doom the chief of the family to degradation or death, seize upon its wealth, and scatter its retainers. He could also elevate his freedmen and even his eunuchs above the heads of the proudest noblemen, and load the ex-slave with honors to which patricians aspired in vain. Tyrannical princes seized every occasion to diminish the prestige, and impair the influence of prominent aristocratic houses, and no doubt many deeds of seemingly reckless and capricious cruelty were in the line of a deliberate purpose to cower the upper order of citizens into abject submission. It may also be assumed that acts which struck terror into the nobility were not always repugnant to the populace. A despot is usually safe as long as he does not stoop too low for victims. The multitude, secure in conscious insignificance, and instinctively jealous of all who have attained to eminence, will inwardly if not openly approve every blow aimed at those who are conspicuous on account of their genius, their virtues, or their wealth. There is also reason to believe that patricians not unfrequently gave just cause for the exercise of imperial severity, for even lenient emperors were sometimes called upon to intervene in behalf of men of high rank who had incurred the penalties of treason. But besides the proscriptive measures prompted by the fears of tyrants, other agencies were at work to bring about the ruin of the old nobility. There were no laws of entail or primogeniture to preserve landed estates in the same families from age to age, and in the natural course of events large properties became frittered and dissipated among numerous heirs. Rich young men expended almost incredible sums in every known species of vice, luxury, and display, and after wasting vast fortunes within a brief period were obliged to

become pensioners upon the bounty of the Cæsar, who had, perhaps, been a boon companion of their orgies. The effect of these various causes were that the ancient nobility soon ceased to figure in the Roman world, and the broken remnants of the gentile houses either lost their identity in the commons, or were merged in the new aristocracy which owed its origin to imperial favor.

The political privileges of the Roman people were entirely swept away by Tiberius, who abolished the general assemblies, and appropriated to himself the nominating powers which the people had, under Augustus, made a pretense of exercising. Roman citizenship, which, during the vigorous and aggressive era of the commonwealth, had been grudgingly and charily conferred, even when dearly and faithfully earned, was extended almost without reserve to the better class of inhabitants of the subject provinces. The newly made citizens were thus attached to the cause of the emperor to whom they owed their elevation, and at the same time the dignity and importance of the old citizens were materially lessened, and the foundations of despotism were more firmly cemented. Citizenship invested the individual with the personal privileges and immunities common to all Roman citizens, such as the right to appeal to Cæsar from the judgment of a provincial tribunal, when life was at stake, and exemption from degrading punishments, such as whipping with rods, or crucifixion. The Roman authorities in the provinces also felt it incumbent upon them to protect and defend a person who was a Roman citizen against the treachery or malice of his countrymen, as when Claudius Lysias, the chief captain of the Roman garrison in Jerusalem, sent Paul under special guard to Cesarea, in order to save the apostle from the Jews who had sworn to kill him, Lysias explaining in his letter to governor Felix

that he had rescued Paul, "having understood he was a Roman." Citizenship, once acquired, was transmitted from father to son, and made those who possessed it a respected class, distinct from the ordinary subjects of Rome, who might be beaten, tortured, or put to death, as the caprice of a magistrate dictated.

VI. The prætorian guard, instituted by Augustus to watch over the safety of the emperor's person in the city, began, during the succeeding reign, to take an important part in the affairs of the imperial court. The prætorians were, as before stated, better paid than the legionaries, besides being the recipients of frequent largesses and other tokens of princely favor. They were always ready at hand in sufficient force to carry into effect any order of the master whom they served, and a mere indication of the imperial will was quickly followed by its execution. The old Roman rule that "no man should be delivered to die until he had seen his accuser face to face, and had license to answer for himself concerning the crime laid against him," was disregarded, and citizens were immured, and secretly put to death, simply because they were the objects of a tyrant's suspicion. The intimate relations existing between the Cæsar and those who were the guardians of his majesty and the tools of his vengeance endowed the latter with predominant influence both in the palace and in the city. The emperor was compelled to rely upon the fidelity of his guardsmen, and thus was to some extent at their mercy, while the senate and people were awed by the military strength of the favored band. Nothing in history is more remarkable than the fact that a comparatively small force of soldiers, far less in number than the present regular army of the United States, was able to make and unmake the rulers of an empire coextensive with ancient civilization, containing many

millions of inhabitants, and whose provinces were occupied by hundreds of thousands of brave and disciplined legionaries. Tiberius, the successor of Augustus, was, it is said, smothered to death on a bed of sickness, by order of Macro, the prefect of the prætorians; Caius, the successor of Tiberius, was slain by Cassius Chærea, the tribune of a prætorian cohort; and when the senate debated the restoration of the old republican system of government, the prætorians dragged Claudius, uncle of the late emperor, from his hiding place in the palace, and proclaimed him *Imperator*. The prætorians were swift to desert the cause of Nero, who had been a beneficent master to them at least, when Galba's approach fore-shadowed the final overthrow of the Cæsarian dynasty, and Galba himself soon fell a victim to the soldiers to whom his severity made him obnoxious, and his senility contemptible.

CHAPTER XII.

THE AGE OF THE ANTONINES - RISE OF CHRISTIANITY.

Part I.—The Flavian Dynasty—Character and Administration of Vespasian—Association in the Sovereignty—The Right to Transmit the Empire—The Form of Senatorial Decree at the Accession of an Emperor—The Emperor Absolute and Irresponsible—The Grandest and Happiest Days of Rome—The Roman Dominion Extended by Trajan—Sculpture and Architecture—Public Works—Magnificent Private Residences—Ready Employment for Skilled Labor—Grandeur of the Provincial Cities—Athens, Alexandria, Carthage—Prosperity of Spain, Gaul and Britain—The *Conventus Provinciales*—Communication between Rome and Distant Provinces.

Part II.—The Roman Policy Toward Strange Religions—Why Druidism was Exterminated in Gaul and Britain—The Romans and the Jews—Christianity at first Confronted with Judaism—The Christians regarded as Enemies of Roman Institutions—Persecution and Quasi-toleration—Christianity in the Century subsequent to the Antonines—A Republic within the Empire—The gloomy and Arid Waste of Pagan Philosophy—Neoplatonism and the Gnostics—Christianity becomes a Recognized Religion—A Pagan Emperor Enforcing a decree of the Church—Paganism Preparing for the Final Struggle—The Persecution of Diocletian—Pagans Imitating the Christian Hierarchy—Dissensions in the Christian Church—Christians Persecuting each other.

I. Society had become thoroughly demoralized during the half a century which witnessed the monstrous cruelties and unprecedented debaucheries of Tiberius, Caius and Nero.

Galba had failed to effect any reform, and Vitellius entirely neglected State affairs in the gratification of his vilest passions. The accession of the Flavian dynasty (A. D., 68) in the person of Vespasian, initiated a new and better era. Vespasian, although of mean birth, was a Roman of the old type. Simple and democratic in his tastes, and strictly just in his judgments, he gave a worthy example in his own conduct of the virtues which he wished to revive. He discountenanced immorality, punished flagrant and unblushing depravity, elevated the tone of social life, and infused a spirit of honorable emulation into every branch of the public service. He recognized the constitutional prerogatives of the Senate, and cooperated with that body in the administration of the empire, and his ears were ever open to the complaints of the oppressed. Titus, the conqueror of the Jews, was associated with his father in the imperial dignity, with the title of Cæsar, and the example of association thus given by Vespasian was frequently followed by subsequent emperors. Its advantages were manifold, for the intended successor to the throne had an opportunity to become known to the people as a ruler, and to strengthen himself against the designs of rival aspirants. When the parent, by nature or adoption, died, it was easy for the associated heir to take hold alone of the reins which were already partly in his grasp. The right of an emperor to transmit the empire as a patrimony to whomsoever he pleased—either a kinsman or an adopted relative—seems not to have been questioned, although the attributes of imperial authority were nominally conferred by the Senate, in behalf of the Roman people. The usual form of decree at the accession of a new prince was to the effect that he should enjoy every exemption, and be invested with every function bestowed upon his predecessors, and this language

was construed as meaning that the emperor was absolute and irresponsible in all things. Indeed, whether Rome was ruled by a man of just and humane instincts, like Vespasian, or Titus, or by a debauched and sanguinary tyrant, like Domitian, the ruler was all the same an autocrat, guided by his own will, and recognizing the authority of the Senate and the rights of the people only to such an extent as he saw fit.

During the eighty-four years which comprised the reigns of Nerva, Trajan, Hadrian, Antoninus, and Marcus Aurelius, the Roman empire saw its grandest and happiest days. The valor and military talent of Trajan extended the Roman dominion over vast countries that his predecessors had failed to subdue, and dissipated the hordes of barbarians who were already hanging like an ominous cloud upon the edge of the northern horizon. Sculpture and architecture reached the highest degree of perfection attained under the empire. The revenues which flowed into the imperial treasury from peaceful and flourishing provinces were expended in public works of ornament and of permanent utility. Rich citizens vied with each other in the erection of magnificent buildings, and in adorning their homes with the finest productions of art. Skilled labor readily found employment in ministering to the luxurious tastes of the wealthy, and genius easily obtained recognition and reward. The provincial cities rivaled Rome in the magnificence, if not in the magnitude of their temples, their amphitheatres, their baths and their porticos. Athens still held her position as a centre of thought and of art, and the public spirit of her citizens added to the monuments bequeathed from an age when Athens was imperial. The cities founded in Asia by Seleucus and his successors were in the meridian of their splendor, and Alexandria, no longer the capital of an

empire, was still the intellectual mistress of the world. A new Carthage arose, worthy of the name of Rome's ancient enemy, and the former territory of the extinct republic was dotted with thrifty communities. Spain, Gaul, and Britain prospered under liberal institutions. The municipalities enjoyed almost unlimited powers of self-government, and *conventus provinciales*, or assemblies of deputies of the towns, were annually held, for the purpose of dealing with questions of provincial interest, and of sending envoys to the emperor with complaints and petitions. Important public works, such as roads, bridges and aqueducts, were constructed by municipal enterprise, and sometimes several cities united to carry out an undertaking for the common benefit. Excellent highways gave facility for swift communication between the imperial city and the utmost parts of the Roman dominions, and well-mounted couriers quickly bore the orders of the emperor to the governors of every province.

II. The Romans were not intolerant of alien religions. When they conquered a nation whose forms of worship were different from their own, they did not attempt to suppress the established faith, unless that faith was hostile to the political supremacy of Rome. The subjection of the Carthaginian territories to Roman rule must have brought within the jurisdiction of Roman magistrates and laws a vast population devoted to the Phœnician cult, and probably cherishing, at least in remote districts, the cruel custom of human immolation. Yet history records no effort on the part of the conquerors to force their new subjects to give up their ancient deities and adopt the gods of Rome. On the contrary the two cults became to some extent assimilated, and the Phœnician gods lost their identity in the classic galaxy of Grecian and Roman divinities. Druidism was

crushed out because it was the animating principle, both in Gaul and in Britain, of an old national system utterly and uncompromisingly antagonistic to the dominion of Rome. The priests of the Druidical faith had been all-powerful among the superstitious Gauls and Britons, and, although in the first-named country, they had been compelled to yield their predominance to the encroachments of the warrior class, the ancient religion of the forests and the hill-places, with its weird ceremonies and its bloody sacrifices, was still interwoven with traditions of national independence. Druidism would neither compromise nor amalgamate, and apart from political considerations, its barbarous rites fully justified its extinction. Jewish monotheism was equally as unyielding as Druidism, but the Jews were obedient to Cæsar, and they did not attempt to make proselytes. Their religion, therefore, was not only recognized, but protected, and they even went to so far as to call upon the Roman authorities to assist them in persecuting and suppressing those of Jewish race who stirred up opposition to the national worship of Judæa. The Christians appear to have been regarded by the Roman polytheists, for many years after the birth of Christ, as a sect of the Jews. This is shown in the Acts of the Apostles, (chapter XVIII, v. 14, 15, 16.) where Gallio, the Roman ruler of Achaia, styles the complaint of the Jews against Paul as "a question of words, and of names, and of their law," and elsewhere in the Acts, (chapter XXV, v. 19), where governor Festus is represented as stating to king Agrippa that the Jewish accusers of Paul "had certain questions against him of their own superstition, and of one Jesus, which was dead, whom Paul affirmed to be alive." But Christianity soon proved that it differed from Judaism in one essential respect—it was aggressive, it made converts,

and it won men and women away from the State religion, of which the emperor was the supreme pontiff, and the lawful guardian and protector. Aggressive proselytism was something novel in the Roman world. If the Christians had only demanded the recognition of Christ as a new divinity, and worshipped Him along with the denizens of Olympus and the deified Cæsars, it is possible, nay probable, that the easy-going Romans would have been willing to add the hitherto unrevealed Deity to their somewhat promiscuous array of gods. But here was a band of enthusiasts whose avowed purpose it was to undermine and utterly destroy that polytheism with which the early history of Rome, her battles for existence, and her career of conquest, were so interwoven, that the fabric of religion and of government seemed to be one. The clandestine meetings of the Christians, their forms of worship, so simple and different from any before known, their close brotherhood, and the levelling organization of the Church, which recognized no difference of race or of rank, but acknowledged all men as equals before the altar of God, indicated, indeed, to the minions of a jealous and suspicious despotism, that the object of the new faith was not to reform society, but to overthrow it, and to establish on the ruins of the empire a universal commonwealth more democratic than Plato had ever imagined. While the pestilent sect was too contemptible in numbers and in the social standing of its devotees to be formidable to Cæsar, nevertheless prudence demanded that it should be suppressed, and the numerous class of every station in life, whose interests were, or might afterward be injuriously affected by the spread of the new doctrines, were eager to join in the work of detection and punishment. Christianity was thenceforward an outlawed creed. Its votaries were not incessantly persecuted—on the contrary, the seasons of

persecution were generally brief, though violent—but the Christians were under the imperial ban, and even humane princes, like Trajan and the second of the Antonines, felt it a duty to proscribe the faith. Trajan, in a letter to Pliny the younger, governor of Bithynia and of Pontus, approved Pliny's course in not search out the Christians; at the same time advising that when accused and convicted, they should be punished.

During the century subsequent to Trajan's reign, the Christian hierarchy became coextensive with Roman civilization. The church was a republic within the empire. The clergy and people of each diocese elected their own bishop, and the relations between the pastors and their flocks were most harmonious and confidential. The affairs of the universal church appear to have been directed by the bishops in council assembled, but each bishop seems to have been independent in matters of local administration, as long as he did not violate the general laws for the government of the faithful. The church acquired wealth; men of noble ancestry and high position were numbered among its proselytes, and the humble chapels in which the earlier christians had huddled with bated breath for worship and prayer, were succeeded by handsome structures, many of which rivaled pagan temples in architectural symmetry. Some of the emperors were themselves avowed unbelievers in the established religion, and guided their conduct according to the noble and self-abnegating fatalism of Zeno. In their pontifical character they were compelled, however, to take part in the rites of the ancient worship, and to burn incense to deities whom they knew to be imaginary. Conscious that the whole fabric of paganism was founded upon myth, superstition, and sacerdotal deception, they were but little inclined to punish the Christians for refusing to bow

to the gods of Olympus. The worshippers of the crucified Nazarene were exempt, as a rule, from violent persecution, and occasional outbreaks of severity only served to stimulate the devotion, and kindle the fervor of the faithful. The contest between Christian and pagan thought was maintained with ever-increasing earnestness, and, on the side of the Christians, with the enthusiasm born of deep, soul-felt conviction. Greek being the language of the learned, the Jewish scriptures were accessible to the scholars of the East, and the inspired injunctions of Moses, the teachings of Christian apostles, and the heroic devotion of Christian martyrs were absorbing subjects of discussion in Alexandria, Athens, and Rome. The absurd lengths to which polytheism was carried by its votaries seemed to disgust intelligent persons even of the lower rank of society. The apotheosis of a dead emperor, or the deification of an imperial favorite, such as the beautiful youth, Antinous, for whom Hadrian seems to have entertained an unnatural affection, and whose unhappy fate the usually cold and philosophic prince commemorated by placing him among the gods, and building temples for his worship, must have tended, as Milman suggests, "to alienate a large portion of the thinking class, already wavering in their cold and doubtful polytheism, to any purer or more ennobling system of religion." To that ever-increasing class Christianity, with its one, unseen, omnipresent God, its code of morals comprised in the Sermon on the Mount, its touching and wonderful story of vicarious sacrifice, which thrilled the tenderest chords of the human heart and likewise gratified human longings for the marvelous, its thoroughly democratic constitution in the midst of despotism, appealed with irresistible cogency. The dogmas of Christianity were simple enough to be understood by the most ignorant, and grander than the grandest conceptions that

ever found being in the brain of the most intellectual heathen. The gloomy and arid waste of pagan philosophy offered no refuge to the soul groping for light and hungry for sympathy; and the yearning spirit turned to the faith which held out a definite prospect of immortal life. But the pride of pagan culture recoiled from unconditional surrender to the fishermen of Galilee, and as the entrenchments of ancient philosophy gave way before the determined and vigorous assaults of Christian apologists, new schools arose which endeavored to adapt the doctrines of Christianity to profound theories evolved by pagan intellect. The Neoplatonists and the Gnostics both accepted, to a greater or less extent, the teachings of the Saviour, but neither of them acknowledged the personal, providential God, overruling the universe, and watching every movement of the most insignificant of his creatures. Nevertheless, both Neoplatonism and Gnosticism acted as preparatory schools, in which some of the greatest minds of the age reasoned themselves into the reception of the pure and unmixed truths proclaimed by Christ and his apostles.

Before the close of the third century Christianity had come to be not only a tolerated, but also a recognized religion. The influence of Christian ecclesiastics was felt in the political councils of the empire, as well as in the deserted porticos of the Stoics and the silent groves of the Academy. The imperial power was even called upon to interfere for the protection of the Church against heresy, and the emperor Aurelian, (A. D. 274) compelled Paul of Samosata, the metropolitan of Antioch, to give up the seat from which he had been degraded by the verdict of a council of bishops. Time and experience had blotted out the impression that Christianity was hostile to the Cæsars, and Christians were no longer debarred from the duties and

trusts of official life. The riches of the Church now began to excite jealousy and tempt cupidity. The priests of the gods saw their splendor rivaled by the ceremonial worship which was gradually taking the place of the simple forms of apostolic Christianity, and they witnessed with alarm the evidences of Christian aggrandizement, and of their own diminishing influence. It was only too apparent that the fabric of polytheism, apart from its cherished traditions and historical associations, possessed no element of strength or of vitality, and that, unless some extraordinary effort should be made for its preservation, it must soon crumble before the peaceful but incessant attacks of youthful and vigorous Christianity. Defeated in the field of argument, paganism sought to entrench itself by an appeal to prejudice, passion and self-interest. Every vile vice, which was not so much as mentioned among the Christians, but which flourished unblushingly in the highest circles of the unconverted world, arrayed itself on the side of the religion which had defied certain forms of immorality; and the nobler sentiments of esteem for dead ancestors, and of patriotic pride in national achievements with which the names of the pagan divinities were intimately connected, revolted against the doctrine that the former were denied happiness in the invisible life, and that the latter were—if they existed at all—evil spirits fallen from a heavenly estate. The sculptors who fashioned the statues of the gods, the tradesmen who trafficked in idols, and in the various articles used in pagan rites, and the numerous skilled workmen who labored in the production of such articles, united with the army of priests in defending the integrity of the ancient religion, and in preparing for a final effort to stamp out the hostile faith. The conflict did not come on at once. The Church continued to

enjoy peace, and to wax in numbers and in prosperity. It was not until early in the fourth century that the foes of Christianity succeeded in obtaining control of the imperial councils, and in procuring the signature of Diocletian to edicts, the first of which degraded and virtually outlawed all members of the Church, and the second doomed ecclesiastics and the more outspoken among the faithful to torments and death. This persecution was the last convulsive struggle of paganism to save itself from approaching dissolution. The severity of the storm was felt principally in the provinces of the east, ruled, after the retirement of Diocletian, by Galerius and Maximin. The former, after six years of unsparing and malignant persecution, acknowledged the futility of his course by extending clemency to his Christian subjects, and permitting them to rebuild their demolished houses of worship. The latter, who was master of Egypt, Syria and Palestine, made a singular and remarkable attempt to infuse new life into polytheism. Believing that Christianity owed its strength to union, he endeavored to organize a pagan hierarchy similar to that of the Christian church. He established districts resembling dioceses, and installed a pontiff resembling a bishop as superintendent over the priests and temples of each district. These superintendents were subject to provincial pontiffs, and the latter were in turn responsible to the emperor, who was the source of authority in all matters pertaining to religion, as well as of all civil authority. This interesting establishment was demolished by the defeat and soon subsequent death of the prince who founded it (A. D. 213).

It was a sad fact that the Christians, even while under persecution, were already divided on important questions of doctrine. The nature of the Trinity had been a subject of perplexing speculation even before the middle of the third

century, when Sabellius, a presbyter of Ptolemais, advanced his peculiar views. He held substantially that the Trinity was a Trinity of offices, rather than a Trinity of persons in Godhead, that God himself is One and remains ever so, but that, as He appears to the world, He is Three, and shows Himself in three ways, the three forms not being persons in a proper sense of the word, but only faces of the Deity; that the manifestations of God in Christ and the Holy Spirit are only temporary; the three titles of Father, Son and Holy Ghost expressing only the three-fold action of God in creation, redemption, and sanctification. These opinions were embraced by a large number of persons, and the Sabellians grew to be a flourishing sect. Arianism also dealt with the mystery of the Trinity, and went as far beyond the orthodox doctrines of the Church one way, as Sabellianism did the other. Arius contended that Christ was equal to the Father in power, but only similar in essence, and generated from the divine will, and that "there was a time when he was not." This view was accepted by many of the ablest teachers in the Church, and was carried by earnest missionaries among the barbarians who were beginning to embrace Christianity; but it gave rise to much polemic strife, and to divisions among the faithful. As early as A. D., 325, less than a quarter of a century after an edict of Diocletian had doomed all Christian books to the flames, and Christian ecclesiastics to prison, torture and death, we find the Christians engaged in persecuting each other, and the Council of Nice condemning Arius and his doctrines, banishing him to Illyria, and decreeing that his writings should be burned. The Council likewise solemnly proclaimed consubstantiation to be the orthodox faith; but neither this declaration, nor the condemnation and persecution of the followers of Arius, were successful in suppressing his doctrines, which continued for centuries to be avowed and maintained by a large part of the Christian world, and which survive even to this day, in a new form, and under a modern name.

CHAPTER XIII.

DECLINE OF THE ROMAN EMPIRE.

- Part I. The Period at which Decline Began—The Licentious Reign of Commodus—Corruption of Roman Society—Senators in the Arena—Murder of Commodus—Pertinax Attempts to Reform the State—He is Slain by the Soldiery—The Empire Offered for Sale—Didius Julianus becomes Purchaser—His Brief Reign.
- Part II.—Accession of Septimius Severus—The Intermediary Period of Roman Constitutional History—A New Prætorian Guard—The Prætorian Prefect as “Grand Vizier” of the Empire—The Lawmaking Power Gradually Withdrawn from the Senate—The Emperor’s Commands the Only Law—The Edict, the Decree, the Epistola, and the Mandate—The Imperial Council—Trial by Judices Falls into Disuse—Caracalla Extends Roman Citizenship to all the Freemen of the Empire—Citizenship no longer of Value—Population of the Empire—Slavery—Numbers, Condition, and Treatment of Slaves.
- Part III.—The Provinces Burdened by Heavy Taxation—Decline of the Municipalities—Burdens Borne by the Decurions of Municipalities—Disastrous Effects of Onerous Taxation.
- Part IV.—Rise of a New Persian Empire—The Nations of Northern Europe—Their Social and Political Organizations—The Embryo of the Feudal System—The General Assembly of Freemen—The Goths—The Franks—The Sarmatians.
- Part V.—Disintegration of the Empire—The Enemies of Rome Repulsed by Able Usurpers—Aurelian Accomplishes a Re-union of the Roman World—A Cato in the Purple—The Sumptuary Laws of Tacitus—The Heart of the Empire Asiatic—Ancient Roman Virtue in the Rural Districts.

I. If, with Gibbon, we assign the beginning of the decline of the Roman empire to the accession of Commodus

(A. D. 180), then we allow that the empire was declining for nearly three hundred years, before the western part of it became submerged by the tide of barbarian invasion. But, while it is true that the age of Trajan, Hadrian, and the Antonines witnessed the height of Roman power and grandeur, nevertheless for over a century and a half subsequent to that period, the Roman dominions continued to be coextensive with the civilized world, and the Roman arms, although sometimes defeated, were generally triumphant. The empire which Constantine governed and defended included a larger number of subject provinces, a much more numerous population, and vastly more aggregate wealth, than the empire of Julius Cæsar, or of Augustus; yet within less than one hundred and thirty years after the death of Constantine, the last emperor of Rome was deposed by Odoacer, and when that monarch succumbed to Theodoric, Italy regretted, not that the empire had been overthrown, but that the Goths had not come before. It is my purpose to trace the gradual building up of that immense structure of government, the very weight and burden of which was sufficient to crush and dishearten the industrious and productive classes, and cause them to look to a semi-barbarous conqueror not as an enemy but as a deliverer.

The imperial court continued to be modeled after the simple martial form of a general's headquarters down to the reign of Septimius Severus. Emperors like Vespasian, Trajan, and Hadrian, lived in the style of an opulent senator. Caius, Nero, Domitian and Commodus, while indulging in the most monstrous excesses of debauchery, and dwelling in palaces whose splendor amazed and bewildered visitors from the once royal cities of Asia, yet had no organized court, with officers of graduating rank,

and troops of lackeys and eunuchs. The extravagance of Nero was that of a citizen of unlimited wealth, in whom the most depraved tastes were combined with the power of a dictator, and even Nero was more approachable than the most insignificant prince of an eastern kingdom. The emperor did not wear a diadem, and the temporary assumption of this emblem by Caius was regarded as the most insane freak of that capricious and erratic tyrant. The Cæsar's person was not shielded from the vulgar gaze, and it was not necessary to go through a long routine of degrading forms and ceremonies in order to obtain access to the imperial presence. On the contrary, the worst despots seem to have liked to exhibit themselves to the people, and to debase their princely dignity by mingling among charioteers and beast-slayers in the popular shows. There was, therefore, a marked distinction between the autocrat of the Roman world and the sovereign prince of an ancient or modern kingdom. Though the Cæsar had kings at his beck he dared not call himself a king, and while an obsequious Senate might pretend to recognize in him the attributes of divinity, his most grovelling flatterers hesitated to recommend an assumption of the outward tokens of royalty. So far as the great body of Italians and provincials were concerned, the rule of even the worst tyrants in the early period of imperial Rome was comparatively mild and equitable. The husbandman toiling on his humble farm in Pannonia, the shepherd tending his flocks in the valleys of Illyria, and the merchant and trader of Syracuse or Massilia, were not affected by the cruelties and excesses perpetrated by the tyrants of Rome. The *mandatores* and *delatores*, who furnished food for a despot's suspicions and fears, seldom plied their detestable calling beyond the neighborhood of the capital, and when an emissary of the

palace was sent on a mission of murder to a distant province, the victim was usually some distinguished official, whose influence and popularity seemed to menace the security of the imperial autocrat, and whose removal by the dagger of the assassin was accomplished as secretly as possible. Forests were levelled, swamps were drained, fertile plains over which the rude savage had roamed were reduced to cultivation, and regions once unproductive supported an active population, and poured their swelling revenues into the imperial fisc.

The reign of Commodus was as sanguinary and licentious as that of his father had been mild, equitable and beneficent. He yielded the governing power to a succession of favorites in order that he might himself have time to give free rein to his passions, and he degraded the imperial dignity even more than any of the earlier tyrants. The prætorian soldiery, who had been confined to their legitimate duties by Trajan, Hadrian and the Antonines, became what they had been under Caius and Nero—the minions of despotism and the terror of the upper orders. The orgies of the palace were imitated and emulated by an aristocracy anxious to court the favor of the prince by degrading themselves to his level, and the corruption which had only rankled in previous reigns, now permeated and poisoned every artery of society. Asiatic vices no longer excited horror and repugnance, as when practiced by Nero and his minions, and depraved ingenuity even improved upon the cruel art by which men were nuxed. The presence of a nobleman among the gladiators was no longer a subject of scandal. Citizens of equestrian rank, and senators, were not ashamed to enter the arena; and even women, of presumed good social connections, entertained the multitude with Amazonian combats. The populace applauded the extravagance which

ministered to their amusement, and witnessed with delight the disgraceful spectacles in which the Cæsar and the nobility humiliated themselves for the gratification of the imperial mob.

The vile and atrocious career of Commodus was brought to a sudden termination on the thirty-first day of December, A. D., 192, when, having first been poisoned, he was subsequently strangled at the instance of his concubine, Marcia, who had found her name entered on the tyrant's tablets among those of persons doomed to die at the hands of the executioner. Helvius Pertinax, an illustrious citizen of Rome, who had retained the tyrant's favor without sharing in his excesses, was induced to accept the imperial dignity. He had risen through his personal merits from the office of centurion to the highest military and civil commands; he was sixty-six years of age, and he would have preferred to spend the latter period of his life in honorable repose. But the Senate and the people urgently summoned him to sacrifice his own happiness for the good of the State, and he took the trust, with the resolve to do his full duty. As soon as he had been formally endowed by the Senate with the attributes of imperial dignity, he began the work of restricting expenditures, reforming abuses, and enforcing discipline among the demoralized soldiery of the capital. The troops, who had been accustomed to the utmost license under the previous monarch, first murmured, and then rebelled, and on March 28, 193—less than three months after he had assumed the purple—Pertinax fell a victim to their rage. Then followed the most disgraceful scene ever witnessed in imperial Rome. The soldiery, finding that neither Senate nor people dared to protest against their treason, or oppose their will, offered the empire for sale. Two bidders appeared—Flavius Sulpicianus, prefect of the

city, and M. Didius Salvius Julianus, a highly respectable and very wealthy old senator, but utterly unfitted for the dangerous honor to which suddenly awakened ambition prompted him to aspire. Didius Julianus offered six thousand two hundred and fifty drachms, (upward of one thousand dollars) to each prætorian—a sum sufficient to place the person receiving it in a position of independence. The bid of Julianus was accepted, and, the prætorians, having first required him to take an oath that he would pardon and forget the rivalry of Sulpicianus, proclaimed him *imperator*. The Senate was forced to assemble, and the senators, overawed by the presence of the armed soldiers who filled the chamber, went through the form of conferring upon the successful purchaser the titles of Cæsar and Augustus, and the prerogatives of supreme authority. The new emperor found that he had exchanged luxurious obscurity for unsubstantial and perilous eminence. He was utterly devoid of energy or executive capacity, and he was bewildered by the novelty, and appalled by the danger of the situation in which his folly had placed him. The news from the provinces added to his despondency. The Roman world was shocked through every nerve by the announcement of the disgraceful auction. Septimius Severus, the commander of the army in Pannonia and Illyria, was saluted as emperor by his soldiers, and he hastened to efface the dishonor inflicted upon the Roman name. The Senate and the prætorians turned against the mock Cæsar, whom they had held in contempt even while they seemed to obey, and Didius Julianus, after a reign of sixty-six days, was beheaded like a common criminal in a private apartment of the palace.

II. The accession of Septimius Severus to the undisputed control of the empire marked the beginning of the

intermediary era of Roman constitutional history, the age during which republican forms were gradually laid aside, republican distinctions were obliterated, the citizens became subjects in the fullest sense of that term, and the foundation was laid for the establishment of a monarchy based upon Oriental ideas of royalty. Severus had sustained his title to the throne by conquering every rival, and he effectually silenced all opposition by putting to death forty-one senators who had favored his opponents. The prætorians were stripped of their uniforms, and after being sternly rebuked for their enormities, were expelled from the service of the empire. A new prætorian guard was organized, four times as strong in numbers as the former one, and composed of picked men from the legions on the frontier. The præfect of the prætorians began to be formally recognized as the chief officer, or prime minister of the empire, the head of both the civil and military administration—perhaps the Turkish term, “Grand Vizier” would more properly express his relation toward the sovereign and the people. The power of enacting legislation was gradually withdrawn from the Senate, but this change was not accomplished for some time after Septimius Severus. As late as the reign of Caracalla (A. D., 211–217), the emperor was in the habit of suggesting legislation to the Senate through the medium of orations, or messages, which either recommended the enactment of a measure without setting forth in detail the language of the proposed enactments, or stated the form of the intended decree. After this period the emperor’s direct commands, issued either in the form of an edict, a decree, or an *epistola*, were the only law, and although the prince occasionally asked the advice of the senatorial body, the Senate was not called upon to frame legislation. An edict was binding on all the emperor’s subjects; and a decree

was a judgment in an especial case submitted for the emperor's decision—and as decrees formed precedents, they may be said to have had the force of law. An *epistola* was a letter of instruction sent by the emperor to a governor or other subordinate functionary, while the commands addressed by the emperor to his lieutenants were known as *mandata*. The emperors sometimes replied to queries by writing notes on the pages which they received, or subscribing a brief reply at the close of the communication. These annotations and subscriptions were preserved, like other expressions of the imperial will, and went to swell the large body of law known as “the prince's constitutions.” It was utterly impossible, of course, for the emperor to deal personally with all matters submitted to his judgment, and he was therefore assisted by a council, or college, of his own selection, called *Cæsar's Consistorium, or Auditorium*, composed of jurists in whom the prince had confidence.

Trial by *judices* also fell into disuse during the period under consideration, although not formally abolished. The magistrates, who were the appointees and tools of the sovereign, commonly tried cases without the aid of *judices*, who might have been too stubborn or slow in carrying out the will of the prince. As it would have been impossible for the prætors to dispose unassisted of the immense volume of litigation arising in a city of about two millions of inhabitants, they deputed their jurisdiction to subordinates, who, it is conjectured, formed a college of assessors. The provincial governors were aided by their council, which exercised a more defined judicial authority than in earlier times, when it was simply a body of respectable citizens, who gave their advice when called upon. Italy had been divided by Hadrian into four districts, which did not include the city and its neighborhood, and justice was

administered in the districts by magistrates known as *consulares*, and subsequently, under Aurelian, as *juridici*. All courts throughout the empire had been obliged, from the reign of Hadrian, to follow one uniform course of procedure, as set forth in the perpetual edict prepared under the direction of that emperor.

Caracalla extended Roman citizenship to all the freemen of the empire; but citizenship did not carry with it an endowment of valuable rights and immunities; it only placed all upon the same level of subjection. The once honored title had ceased to be a talisman against outrage and oppression, and the thongs no longer fell from the hands of the minions of tyranny at the words: "I am a Roman citizen." The extension of Roman citizenship to the Roman world simply meant that all were equal before the Cæsar, and that no distinction based upon republican ideas was to be any longer tolerated. It meant that the Cæsar was no longer, even in fiction, the first of Roman citizens, but that he was the monarch of an empire of subjects; and it also signified that the wealthy landholder of Africa, with his thousands of slaves and his revenues from vast domains, was on the same political footing with the obscure peasant of Britain, extracting a living from the few acres which his industry had rescued from the wilderness.

The Roman empire at this period contained a total population of about one hundred and twenty millions of persons, of whom, it is probable, at least one-half were in bondage, some captives taken in war who had been allotted to, or bought by their owners, but by far the great majority the offspring of persons held in servitude. Many of these slaves were fully as intelligent and educated as the average freeman, and, as a rule, they were not distinguished from

their masters by the brands of color or feature. Ethiopians were in demand, especially as eunuchs, but a black complexion was not a sign of degradation and inferiority, as in the American republic to-day. The difference between Roman and American slavery was as wide as the centuries which separate them from each other. We might, perhaps, get something like a correct idea of slavery in later ages of the empire by imagining all domestic servants of every race and color in bondage, all farm laborers in a condition of serfdom, and all ordinary laborers and a multitude of skilled workmen owned as human chattels, either by the State, or by individuals.

Nearly every free person in city or country who could afford a slave, owned one or more, in proportion to his means, just as nearly every resident of the United States who can afford a servant hires one or more to attend to the household, the stable, the garden, and the farm. But it should likewise be remembered that there was in Italy and in the provinces a numerous class of free proprietors, too poor to possess slaves, and who tilled their own farms in frugal independence. This class formed the bone and sinew of the Roman legions, and maintained their pristine vigor and hardihood long after the capital and the provincial cities had become enervated by ease; and it was not until intolerable taxation had quenched the cheerful firelight on their humble hearths, deprived them of their homes, and scattered their families, that ruin overwhelmed the empire they had defended. The treatment of slaves varied, of course, according to the temperament and disposition of their masters. A slave could not be wantonly put to death, but there is too much reason to believe that in Rome the lot of the domestic bondman was far from enviable, and that it was nothing uncommon for the

servant's back to be scarred by the lash. But it was also not unusual for a shrewd and prepossessing slave to attain to a position of confidence and influence in the household of his owner, and in the social and political circle in which his owner moved. A hint from the favorite bondman of an emperor, or of a prætorian prefect, might bring about the ruin of the haughtiest nobleman; although it was not until the age of Diocletian and Constantine that the eunuch of the bed-chamber became the most influential minister of the empire. Between the slave who was the confidant of imperial majesty, and the serfs who toiled in gangs on immense plantations under the burning rays of an African sun, there was a much broader distinction than between the ordinary freeman and bondman of a city. The serfs who cultivated the vast territorial possessions of African and Asiatic landholders, were, it may be assumed, no better treated than the gangs of negroes who hoed the cotton fields of Alabama, thirty or forty years ago, when Alabama was yet the dark place of the South, and overseers perpetrated barbarities at which enlightened Virginia and the Carolinas would have shuddered.

III. Further than placing all freeborn men on a level, the constitution of Caracalla does not seem to have interfered with the political status of the provincials, although it probably effected radical changes in relation to marriages and the inheritance of property, by assimilating the varied customs of the provinces to the Roman laws. It is possible that citizenship may have been intended as an offset against the heavy exactions with which Caracalla burdened his subjects. He revived old, and imposed new taxes, and the whole empire felt the weight of his extortions and of his inhuman tyranny.

From this period may be dated the decay of the

municipalities, which, under Hadrian and the Antonines, had arrived at such a height of prosperity. The almost incredible extravagances of imperial sybarites, the necessity of keeping the Roman mob in good humor with costly and magnificent shows, and of maintaining vast standing armies to repel barbarian hordes, and to quell malcontents, gradually drained Rome of its treasures, and exhausted the finances of the empire. Despotism tottered for want of the money to support it. Mercenaries clamored for pay, and the fickle multitude demanded a continual round of diversions. The burden of taxation began to bear heavily upon the property classes. The decurions were held responsible for the collection of the taxes required from their municipality, and were obliged to supply any deficiency from their private fortunes. Imperial agents enforced with severity the demands of the central government, and extorted the full amount of a tax, no matter how oppressive and ruinous. Had all citizens been compelled to contribute according to their means, the burden would not have fallen so heavily upon the decurions. But there was a numerous privileged order, in the army, holding office under the emperor, or invested by the emperor with honorary dignities, who were exempt from all public charges. Thus the well-to-do citizens of municipalities became a distinct class, endowed with certain rights and privileges, and held directly liable for the local share of imperial burdens. They could not evade those burdens by entering the army, or becoming public functionaries, until they had passed through every gradation of municipal magistracy, nor could they sell or dispose of the property which qualified them for civic duties without the consent of the provincial governor. A citizen of curial estate, who had no children, could dispose

by will of only one-fourth of his property; the other three-fourths being appropriated to the uses of the Curial College—the principal of those uses being the payment of taxes levied by imperial authority. When the heirs of a citizen of curial estate were not themselves members of the College, they were required to give one-fourth of the property inherited to the College, and the same was the case when the widow or heiress of a curial citizen married a man belonging to the privileged order. The authority of the Curial College was greatly curtailed by the later emperors, and the sanction of the governor of the province was necessary before anything of importance could be done. The governor might annul the appointment of a magistrate, and, when magisterial duties came to be shunned as onerous and without dignity, influential persons were glad to obtain the interference of a governor to save them from offices thrust upon them. The property-owning citizens, virtually deprived of the administration of their local affairs, and weighed down by a system of taxation which consumed the income of their estates, grew listless and apathetic. They neglected their own business, for to accumulate wealth was to tempt the greed of the tax-gatherer, and they cared not for municipal honors, which subjected them only to more intolerable burdens. The *municipium* lost its individuality; it was no longer a self-governing commune; it was merged in the empire, and the municipal organization was merely a machine for collecting and transmitting taxes to the headquarters of despotism. Commerce was stagnant; labor was unrewarded, and ruined villages and deserted fields spoke the story of oppression and decay. The season of gloom for producer and trader was the hey-day of the privileged orders. The military aristocracy, from commander to *cohortalis*, looked down with contempt upon the tax-paying

plebeian; imperial functionaries were harsh and arrogant, and office-holders flourished amid the wretchedness of the masses.

IV. Meantime a new power had arisen in the east to dispute with Rome for the supremacy of Asia. An obscure soldier had overthrown the decayed Parthian monarchy, and had founded a Persian kingdom destined to eclipse in splendor, and almost to equal in dominion the ancient empire of Cyrus. He boldly summoned Rome to surrender her Asiatic possessions, and a struggle was begun which continued with varying fortunes long after the deposition of the feeble successor of Augustus.

The tribes of the north, actuated by a spirit of unrest and emigration, pressed steadily downward toward the fertile and wealthy provinces of southern Europe. The Roman legions were kept busy in repulsing the almost incessant aggressions of the barbarians, and any relaxation of vigilance on the part of the Cæsar's lieutenants was swiftly taken advantage of by the active and ever-watchful warriors of the German forests. The nations which ultimately overwhelmed the Roman empire—the Goths, the Heruli, the Franks, the Alemanni, the Longobardi, the Suevi, and other tribes,—could be called barbarian only in the sense that they were unversed in the forms of artificial civilization. Their social and political organization was not dissimilar from that of the Greeks in the heroic ages. A German tribe or nation consisted of three classes: nobles, freemen and serfs. The freemen were divided into small communities, the members of each community being connected with each other by the bonds of kindred and of intimate association, and being under the direction of a head-man, who administered rude justice, with the consent of one hundred select men of the district. The head chief, or king, was

electd by the freemen in general assembly, but the choice was confined to the royal house. The king was not necessarily the leader of the army. The warriors, before starting upon an expedition, selected some man of their number, remarkable for prowess, and of distinguished descent, to act as their captain. The companionship of a chief renowned for success in war was eagerly sought by the well-born youths of his nation. The young noblemen were in constant attendance upon their prince; they formed a guard of honor in peace, and fought by his side in the battlefield, and he rewarded their devotion with a liberal share of the spoils, of victory. This ancient Germanic custom of rewarding the loyal companions of the chief was the embryo of the feudal system, for, when the barbarian nations became the conquerors of provinces, the head of the nation granted benefices to his faithful retainers, instead of a captured horse, or armor, or the plunder of a Roman palace. The general assembly of freemen was held at the new and full moon. The king presided, and the priests having enjoined silence, he propounded for the consideration of the freemen such matters as had previously been discussed in the council of the nobility. The assembly tried capital crimes, elected magistrates, and resolved upon peace or war. Decisions arrived at under sudden impulse, or while the people were unduly influenced, were reconsidered in calmer moments. There seems to have been no individual property in land. The local chieftains allotted to each family, yearly, a sufficient portion of the soil for their support, the cultivation of which was left to the aged, to women, and to slaves. The freemen spent much of their time in drinking and gambling, and personal liberty was frequently staked on the cast of a die. The only public amusement was a war-dance in which the warriors clashed their swords and brandished their arms.

By conquering Batavia the Romans had brought under the control of the empire one of the bravest of the German tribes, and the Batavians, at first among the most stubborn and troublesome allies of Rome, subsequently supplied some of the best legionary troops, and were especially expert as horsemen. The Romans had not met with encouraging success in their efforts to subdue other German nations, and after the destruction of Varus and his army in the Teutoburgerwald range of hills, they were content to make the Rhine the frontier of the imperial dominions.

The Goths, who appeared in the later part of the second century on the north shores of the black Sea, are believed to have originated in the mountains of the Caucasus, and to have emigrated thence to Scandinavia in prehistoric times. About the beginning of the Christian era they appear to have decided upon a movement to the southward, and a large number of them crossed to the lower shores of the Baltic, and became allied and intermingled with the natives of that region. The southeasterly direction of the course pursued in subsequent wanderings was probably owing to encounters with the powerful and warlike German tribes whose territories adjoined the Roman frontier. The Goths seem, however, to have kept the rich outlying provinces of the empire pretty steadily in view, and in the third century they were in possession of the region north of the lower Danube. Under the designations of Ostrogoths and Visigoths (Eastern and Western Goths), Vandals and Gepidæ, they were the most determined and intelligent of the barbarous nations who invaded the Roman dominions. Stalwart and manly in form, with fresh, light complexions, blue eyes and reddish-yellow hair, quick to learn, and kind of heart, they produced a favorable impression even upon their enemies. The Christian religion was introduced

among them at an early period, and it is not too much to say that the Goths who conquered Italy were superior in true civilization to the licentious and degenerate Romans whom they subdued.

The Franks were a confederation of powerful German tribes, which, as members of the ancient league of the Cherusci, had taken a prominent part in the uprising under Arminius against the Roman masters of Germany. The German tribes, like civilized States, were subject to revolutions, either gradual or of a violent character, which brought about the destruction of old, and the formation of new associations. The abilities of an ambitious chieftain might elevate a comparatively obscure band to a position of commanding importance, while once terrible nations dwindled into impotence. The ranks of a tribe which had won the fame of making successful and profitable forays into Roman territory, or which was engaged in a migratory movement toward the rich provinces of the empire, were rapidly swelled with brave adventurers from all parts of Germany; and the Roman legions were astonished to see a swarm of foes, under a new name, pouring forth from the German forests.* The Franks are first mentioned in history about half a century subsequent to the reign of Commodus, and were at that time a union of tribes settled in the country between the Rhine, the Maine, the Weser, and the Elbe.

* We see similar changes caused by similar influences among the Indians of the plains. For instance, the Uncpapas, formerly an obscure band of the Sioux nation, have become, under the leadership of Sitting Bull, the most powerful branch of that numerous tribe, although thousands of Indians who fight under the name of Uncpapas belong to other branches of the Sioux family. A person not acquainted with the tribal organization of the Indians would be very likely to assume the Uncpapas to be a formidable nationality; whereas, as I have said, they are simply a branch of the Sioux. It is probable that the Romans, whose opportunities for acquiring a correct knowledge of the German

Guizot mentions a song composed in honor of the victories of Aurelian which had the following refrain:

“Mille Francos, mille Sarmatas
Semel et semel occidimus.”

The Franks are coupled in this song with the warlike Sarmatians, who had long been the terror of the Dacian frontier. At the beginning of the fourth century the Salian Franks were settled in Belgium, and the Riparian Franks on the two banks of the Rhine, and by persistent aggression they succeeded in securing a foothold in Gaul. Some chiefs of the Franks were invested by the later emperors with magisterial dignity and authority, and their followers helped to sustain by their valor the decaying majesty of the Cæsars.

Another and very different sort of people, who gave the empire much trouble in its ages of decline, were the tribes known under the common designation of Sarmatians. The country of the Sarmatians comprised the territory of the late kingdom of Poland, including Lithuania, the whole of central and southern Russia in Europe, (except the Crimea), and northern Hungary. This vast region was divided by the river Don into European and Asiatic Sarmatia. European Sarmatia included a number of tribes of mixed descent, and some of them among the most formidable enemies of Rome. The Roxolani, who are supposed to have been the ancestors of the modern Russians, were so persistent in their attacks upon the Roman provinces south of the Danube that the emperor Hadrian was compelled to tribes were far more limited than those which we possess in regard to the American Indians, were often led to form and to transmit erroneous views of their barbarous enemies. How easily errors creep into official records, and into history which is partly founded on such records, is shown by the fact that in an official paper promulgated recently by the Indian Bureau at Washington, the Sioux and the Dakotas were spoken of as distinct Indian nations, whereas “Dakota” is the name by which the Sioux call themselves—in other words, the Dakotas are the Sioux.

pay them tribute in order to relieve his subjects from their incursions. They were excellent cavalry, and they carried lances, and wielded long swords with both hands, frequently cleaving a man's head at one blow. The Alani were, it is thought, of Finnish stock. They were expert marksmen with the bow, and, like most other Sarmatian tribes, they were adroit horsemen. Their irruptions into the Roman provinces began in the reign of Vespasian, and were repeated at intervals until a few years before the deposition of the last sovereign of the Western Empire by Odoacer. They were sometimes allied with the Goths, and sometimes hostile to that nation. Among other tribes of western Sarmatia were the Jazyges, one division of whom lived under the protection of Rome, the Hamascobii, a nomad race, and the Venedi.

The inhabitants of Asiatic Sarmatia were of Scythian descent. They were undoubtedly a branch of the Mongol race, and had probably emigrated from Asia several hundred years before Christ. The various bands traveled, like American Indians, from place to place, pitching their tents wherever they found good pasturage for their flocks and herds. Their social and political organization was of that form which appears to have been common to all branches of the human family in the primitive period of their history, and which still prevails in savage and uncultured tribes in regions of the earth far remote from each other. Families which were connected by ties of blood and intermarriage formed a fraternity, or brotherhood, for mutual protection and defence against enemies, and the brotherhood acknowledged the patriarchal authority of a leading man, in whom were combined one or all of the qualifications of wealth, valor, and distinguished descent. The chief judged his band in peace, and led them in war, and perhaps he acted

in a priestly capacity on occasions of public worship. The measure of his authority must have been largely determined by the extent of his personal influence among his followers. Each band, as among the American Indians of the plains, had its range of territory, not bounded by strict limits, but definitely enough understood to make trespass by an unfriendly horde a cause for hostility. A number of bands appear to have been united in a loose confederacy—a connection not grounded upon a formal compact, but upon kindred origin, and language, and identity of interests.

V. While Persians and barbarians were invading the frontier provinces, and contending with varying success against the imperial legions, the signs of disintegration and decay were growing more ominous, and the tie which bound the provinces to the central authority in Rome was becoming weaker and weaker. The emperors who followed each other in rapid succession were, as a rule, incapable of inspiring respect, or compelling obedience, and several among them who were men of rare merit and estimable virtues, were hurried away by a violent death before they had an opportunity to prove their abilities. During the period of seventeen years, between the murder of Alexander Severus and the accession of Licinius Valerian, not less than thirteen persons were elevated to the imperial dignity. Sometimes a prince was murdered almost as soon as he was invested with the purple, and the murderer succeeded to the throne, himself to fall a victim to the sword of another ambitious assassin. Lieutenants in the provinces lost all regard for the evanescent authority of rulers, of whose existence they were hardly aware. Each province had its Rome, and the will of the provincial Cæsar was the law within the limits of his command. The troops were assimilated to the people among whom they were

stationed, and the hue of their skin, their language, their customs and their habits, were affected by the climate and by intercourse with the inhabitants of the country; so that it was easy to distinguish the various legions without reference to their standards or their names. When the defeat and capture of Valerian by the Persians, under Sapor (A. D. 260), left the empire under the direction of the worthless and licentious Gallienus, able military officers in nearly every important province asserted their independence of the Roman court, and assumed the title of *imperator*. Odenatus, the governor of Palmyra, discomfited the victorious host of Sapor, and saved the Asiatic portion of the empire from being added to the Persian monarchy. In the European provinces brave commanders displayed equal energy in driving back the barbarians who poured across the frontiers; and while the Roman name was disgraced in Italy by a tyrant plunged in every species of excess and debauchery, its glory was upheld and its honor maintained by Postumus in the west, and Odenatus in the east.

The genius and valor of Aurelian compelled all the provinces once more to recognize the supremacy of Cæsar, and made the united empire formidable to every enemy. He displayed his foresight of events which were yet in the distant future by surrounding the imperial city with a line of fortified walls, and he stimulated industry by commencing the construction of grand and useful public works. He endeavored by wholesome enactments to arrest the corruption which was fast effacing every feature of the ancient Roman character, and to restore the spirit of patriotism by giving the people a government worthy of their esteem. Aurelian did not live long enough to complete the greatest of his public works, or to accomplish his reforms. Like the

majority of Roman emperors of that time, he fell by the hand of military assassins. The army referred to the Senate the election of a successor, and the Senate referred the important duty back to the military order, thus recognizing the right of the legions to choose the master of the empire. No ambitious commander attempted to usurp the imperial dignity, and while the Senate and the army alternately declined the honor of making a nomination, eight months elapsed without a Cæsar or a rebellion. At length Tacitus, a senator seventy years of age, distinguished by virtues which had not been uncommon in the days of Cicero, but which were rare and remarkable in those of Longinus, was saluted by his fellows as Augustus and *Imperator*. He accepted with reluctance the mantle which would have weighed heavily on far more youthful shoulders, and he undertook with an earnestness that proved his moral courage, to revive the pristine virtues of the republic. A Cato in the purple was a novelty that might perhaps excite a sigh of regret for the past, and arouse a serious thought of present degeneracy; but sumptuary laws could not eradicate evils which were ingrained in the social system, or render obnoxious the vices and extravagances which public sentiment did not condemn. The heart of the Roman people was Asiatic; the rugged valor, the sturdy patience, the simple integrity of the ancient commonwealth had their home not in the capital, but in the rural districts of Gaul, Britain, Spain, Illyria, and Pannonia, where the hardy husbandmen were as yet strangers to the vices which had made the cities unwarlike, licentious and corrupt. The military achievements of Aurelian, the stern simplicity of Tacitus, and the valor and abilities of Probus and Carus, might stay the decline, but could not restore the virility of the empire.

CHAPTER XIV.

THE EMPERORS ASSUME THE DIADEM.

Part I.—Diocletian Introduces Eastern Titles and Forms of Royalty—"Lord and Emperor"—The Diadem Assumed—Maximian Associated in the Empire—Two Subordinate Cæsars—Abdication of Diocletian—Constantine Succeeds his Father, Constantius—He Conquers Maxentius, becomes Master of the West, and subsequently of the Whole Empire—Rome Ceases to be the Mistress of the World.

Part II.—The Court and Cabinet of Constantine—Titles of Distinction—The Basis and Origin of Modern Nobility—The Splendor of the Consulate—"Patrician" a Personal Title—The Prætorian Prefect—Rome and Constantinople—The Count of the East and the Vice-Prefects—Governors of Provinces—The Chief Eunuch—The Master of the Offices—The Departments of Internal and Foreign Affairs—The Couriers—A Far-reaching System of Espionage—The Quæstor—The Count of Sacred Largesses—The Treasurer of the Private Estate—Civil Magistrates drawn from the Legal Profession—Promotion in the Civil Service.

Part III. The Army—Masters-General of Cavalry and Infantry—Military Commanders in the Provinces—Dukes and Counts—Palatines and Borderers—The Guards of the Palace—The Counts of the Domestics—The Legions on the Frontier—Great Numerical Strength of the Army—Conscription severely enforced—Inferiority of the Soldiers, as compared with the Ancient Romans and the Barbarians.

Part IV.—Taxation—The Survey of Landed and other Property—Penalty for Evading the Assessors—The Patrimony of the Monarch not Exempt—Various Taxes—Taxation in Kind—The Aureum Coronarium.

I. It is a singular fact that of the four princes during whose contemporary reigns emperors ceased to be Cæsars, and surrounded themselves with the majesty and splendor

of eastern kings, only one, Constantius Chlorus, was of noble birth, and he was not a native of Italy. Diocletian was of obscure parentage, his mother having taken her name from the Dalmatian village in which she was born. He enlisted as a legionary, the profession of arms being the only one which afforded to the poor peasant of the provinces an opportunity to achieve honors, fame and wealth. He served with repute under Aurelian, Probus, and Carus, and rose to a high military command. The victorious career of Carus was ended by a stroke of lightning, just as he was pushing forward vigorously into the heart of the Persian dominions. His sons, Numerianus, who was with the army, and Carinus, who had been left in the west, succeeded to the empire. While returning from Persia Numerianus was mysteriously murdered. Arrius Aper, prefect of the prætorians, was accused of the crime, and arraigned for trial before a military council. Diocletian was saluted as emperor by the soldiers, and without giving Aper an opportunity to speak in his own defence he stabbed him to the heart. It has been surmised that Diocletian himself was privy to the murder of Numerianus, and dreaded that Aper might make a revelation implicating him. The death of Carinus in the following year, (285) left Diocletian the undisputed ruler of the Roman world. The emperor determined to remove the seat of government from Rome, where even imperial grandeur was rivaled, if not overshadowed, by the more ancient magnificence of the Roman nobility, and where the images of the famous dead, and the illustrious names of the living, taunted him with his own obscure origin and his usurped cognomen. He selected Nicomedia as the seat of imperial power, and there he organized a government modeled after the plan of the Persian court. Diocletian laid aside the simple republican

titles which had satisfied Augustus and Trajan. The word "*imperator*" was divested of its ancient signification, and was interpreted as meaning the possessor of supreme and unlimited power. The epithet "*Dominus*," or lord, was added to emperor, and the chief of the State was designated "Lord and Emperor" in the laws and public documents. The title of king, so odious to the early Romans, was used in addressing the prince, and supple flatterers even gratified imperial pride by applying to royalty the designations which belonged to divinity alone. Diocletian wore a diadem,—a broad white fillet set with pearls—his robes were of silk and gold, and his shoes were studded with gems. In order to obtain access to the imperial person it was necessary to pass the inspection of several schools, as they were called, of domestic officers, and, when admitted to the presence of majesty, the subject, however high his rank, was required to prostrate himself, and to remain in that attitude of the profound humiliation until the emperor graciously condescended to order him to arise. The various departments of the palace were entrusted to eunuchs, and duties which the earlier Romans committed to the meanest of their slaves were performed by officials clothed with splendor and surrounded with grandeur far greater than a proconsul had enjoyed in former ages.

Diocletian judged from the experience of his predecessors that one man alone could not bear the burden of an empire threatened on every side by powerful and aggressive enemies. He therefore invested Maximian, a rough, brave, and able soldier, like himself of low parentage, with the dignity and the diadem of Augustus, and gave him the command of the west, with Milan as a capital, while Diocletian retained for himself the east, and the imperial palace at Nicomedia. He also bestowed upon Maximian

the title of Herculius, while he assumed that of Jovius, thus, perhaps, indicating both the almost divine character of the imperial office, as well as his attachment for the ancient gods. Diocletian subsequently (A. D. 292) elevated Constantius Chlorus and Galerius to the dignity of Cæsars, the former the son of a noble Dardanian, and a commander whose natural abilities were irradiated by every virtue which befits the statesman or adorns the man; the latter, the son of a shepherd, whose valor and merits had earned for him the highest military honors. The establishment of four imperial courts, with their praetorian prefects, their schools of domestics, and their numerous retinues of servants, greatly increased the weight of taxation, and the ministers of despotism were multiplied in proportion as its burdens became more and more insupportable.

Upon the abdication of Diocletian (A. D. 305), Constantius and Galerius became Augusti; and the former dying from disease in the following year, at Eboracum, in Britain, while on an expedition against the Picts, was succeeded by his son, the famous Constantine, known as the Great. Constantine did not receive the title of Augustus until A. D., 308. He took up his residence at Treves, and governed Gaul, Spain and Britain, while Italy and Africa remained under the control of Maxentius, son of Maximian, who had seized the imperial power at Rome in A. D., 306. Constantine entered into a close alliance with Maxentius by marrying his sister, Fausta; but when Maximian, the father of Maxentius and of Fausta, entered into a plot against Constantine, the latter put his father-in-law to death. Maxentius prepared to avenge the fate of his parent, and Constantine invaded Italy with a powerful army. It was during this campaign that Constantine, according to his own story, as related to the pious but

somewhat perplexed Eusebius, saw a luminous cross in the air, with the inscription in Greek: "IN THIS CONQUER," and also had a vision in which he was directed to inscribe upon the shields of his soldiers the sacred monogram of the Saviour's name. Maxentius was utterly defeated in a battle near Rome (October 27, 312), and was drowned while trying to escape across the Tiber into the city. Constantine thus became master of the west. His victories in A. D., 314, over Licinius, who had recently acquired undisputed control of the east by his triumph over Maximin, added Illyria, Macedonia, and Achaia to his dominions. Nine years later (A. D. 323), war again broke out between the two emperors, and resulted in the final overthrow and the death of Licinius, and Constantine found himself emperor of the Roman world.

The absence of the Cæsars was not in itself a serious injury to Rome. That city was still the centre of the Roman empire, and the seat of the Senate, which, although a legislature only in name, made up in splendor what it lacked in power, and was still regarded as the most dignified and illustrious body of men in the world. The wealthiest citizens aspired to its membership, and no prouder or grander title could be worn by a subject than that of Roman senator. The princes of the empire continued to gratify the Senate by making formal announcement of any event of importance, and by graciously accepting the gifts with which the Fathers recognized their sovereign's condescension. African granaries furnished the corn, and African forests the wild beasts, to feed and to amuse the Roman mob, now no longer imperial, and the eyes of the populace were feasted by the sanguinary combats and dying throes of multitudes of gladiators. Whether the imperial court was at Nicomedia, Sirmium, Treves, or Milan, or whether

princes reigned in all those cities, the heart of the empire was Rome, enriched by the spoils of a conquered world, beautified by the genius, the art, and the industry of ages. But when Constantine determined to build a new Rome on the gentle promontory which terminates the continent of Europe, he sealed the fate of the city which for centuries had been the peerless mistress of nations. He transferred to the east whatever of energy and vitality still remained in the empire, yet formidable even in decline, and he attracted the eyes of mankind from the Tiber to the Sweet Waters. The palace of Constantinople was thenceforward the seat of dominion, the fountain of honor, and the dwelling-place of majesty, and all the influence of an all-powerful prince was used to aggrandize the city of seven hills, which adjoined his ancestral Troas.

II. Constantine established a court more magnificent than that of Diocletian, and he instituted a numerous nobility with ranks and titles. Some of the titles were the recognition and confirmation in official form of terms which had been in use, even in the republican ages of Rome, to designate citizens of illustrious descent, or of distinguished position; others were apparently envolved from the imagination of the emperor and his advisers. Ludicrous as some of them appear, they were the basis and the origin of modern nobility. The duke and the count of France are simply a modern form of the *dux* and *comes* of the later Roman empire, just as the *comes* of the empire was the successor of the *comes*, or companion, who accompanied the *imperator* to the field during the republican period.

The principal officers of the emperor were saluted with the titles of Your Sincerity, Your Gravity, Your Excellency, Your Illustrious and Magnificent Highness; and the imperial patents which were their warrant of authority were

emblazoned with emblems, such as the image or portrait of the reigning emperors, a triumphal car, the book of mandates on a table covered with a rich carpet and illuminated by four tapers, allegorical figures of the provinces which they governed, or the standards of the troops they commanded. The principal magistrates were divided into three classes, designated as the Illustrious, the Respectable, and the *Clarissimi*, or Honorable. The title of Illustrious was reserved for the highest class of dignitaries, the consuls and patricians, the prætorian prefects, with the prefects of Rome and of Constantinople, the masters-general of cavalry and of infantry, and the seven ministers of the imperial palace. Among officials of the same rank those who held more than one office went before those who were their seniors in office, otherwise seniority gave precedence.

The ancient splendor of the consulate was not only maintained, but increased, but the consuls were now the heads of the imperial nobility, instead of being the chief magistrates of a republic. Their inauguration was celebrated by a most magnificent display of pomp and ceremony, and the annual spectacle was looked forward to by the multitude as an occasion of general festivity. The consuls were inaugurated at the imperial palace; they wore the *toga picta*, a robe of purple richly embroidered with silk or gold, and which, in earlier times, had been the peculiar habit of the triumphant general. This robe was sometimes incrustated with precious stones, though the embroidered purple *toga* with precious stones was more properly the garment of imperial majesty. Lictors carried before the new consuls the fasces and the axes, once significant emblems of the consuls' supreme authority, but now nothing more than meaningless ornaments. The

names of the consuls were engraven in gilt on tablets of ivory, and sent to the public functionaries both of provinces and cities throughout the empire, in order that the new year might be properly designated in official records and decrees. The consuls themselves exercised no official authority whatever after the empty honors of their position had been conferred upon them. They were, however, prominent and distinguished public characters, and enough of the virtue of the ancient office seems to have cleaved to their title to make their adhesion important in the event of a contest for the imperial throne.

The gentile houses of Rome had all disappeared long before the time of Constantine, and even the families which had been elevated to patrician rank by the early emperors had perished, or had sunk into obscurity and decay. Constantine did not attempt to revive the ancient order. He made the title of Patrician a distinction terminating with the death of the person upon whom it had been conferred. The Patricians were appointed from among the emperor's most trusted and favored servants. They were inferior in rank only to the annual consuls, and took precedence of the ministers of State, and enjoyed ready access to the person of the prince. They were the leading nobility of the empire, and even independent kings of powerful barbarian nations were not ashamed to be enrolled among the Patricians of Rome.

Constantine divided the civil from the military administration of the empire. He retained the four prætorian prefects, who, under Diocletian, had acted as the ministers of the imperial will in the four sections into which the empire was divided, but he wholly divested them of all share in the military administration. Each prætorian prefect, within the bounds of his jurisdiction, was the repre-

sentative of the prince in the judgment seat, and from his decisions even the emperor would hear no appeal. It was the duty of the prætorian prefect to interpret and enforce the edicts of his master, and he was even empowered to modify imperial decrees to suit special circumstances. He was likewise entrusted with the charge of the revenues, and the superintendence of coinage, of highways, of granaries, and of manufactories. The cities of Rome and of Constantinople were ruled by their own prefects, and were exempt from prætorian jurisdiction. The various departments of the city government in Rome, as in Constantinople, continued to be administered by commissions, or boards, each headed by an officer who was responsible to the prefect of the city.

Inferior to the prætorian prefects were the Count of the East and the twelve vice-prefects who governed the thirteen great dioceses, or regions, into which the empire was divided; and subordinate to the vice-prefects were the officials who administered the one hundred and sixteen provinces. Three of the provincial rulers were proconsuls, thirty-seven were of consular rank, five were known as correctors, and seventy-one as presidents. They could inflict the death penalty, but were denied the power to extend to a criminal the right to choose the way in which he should die. They could not impose a sentence of exile, nor could they exact a fine amounting to fifty pounds weight of gold. Except by special dispensation from the emperor, no person could govern a province of which he was a native, nor could a governor, or his son, marry a resident of his province, or buy slaves, lands, or houses, within his jurisdiction. These restrictions were intended to prevent a provincial ruler from becoming too closely connected with the people under his command, to the detriment of their loyalty to the emperor.

The Ministers who composed the imperial cabinet were seven in number, and were dignified with the title of Illustrious. The chamberlain, or chief eunuch, was styled *præpositus*, or superintendent of the sacred bedchamber. He had charge of the private apartments of the palace; he preceded the emperor to the hall of audience, and remained near him until the audience was over. He attended the prince upon occasions of State, and in hours of relaxation, ever ready to minister to the imperial desires, and to foresee that the imperial majesty was not offended by the omission of any petty detail of etiquette or ceremonial. The two *comites*, one of whom had the care of the imperial table, and the other superintended the wardrobe, both acknowledged the chief eunuch as their superior, and obeyed his directions.

The Master of Offices was the head of the department of imperial correspondence, both foreign and internal; he controlled the management of the arsenals and military magazines; he superintended the post-routes; and he exercised appellat jurisdiction in all matters affecting the vested rights of the privileged classes. The correspondence between the prince and his subjects gave employment to one hundred and forty-eight secretaries, selected from the profession of law, on account of the numerous questions of a legal nature which were submitted and answered. The business was divided between four offices, each managed by an inferior Master, of respectable rank. The first office was devoted to memorials; the second, to appeals; the third, to petitions; and the fourth, to papers and orders of a miscellaneous kind. Latin was the official language, but communications in Greek were attended to by secretaries familiar with that tongue. Linguists were attached to this department whose duty it was to interpret the messages of

barbarian envoys. Two or three hundred couriers were employed in conveying with dispatch to the most distant parts of the empire the edicts and messages of the prince, and the announcements of the emperor's victories, and of the names of the consuls annually elected. These couriers, on their return from provincial courts, were questioned as to what they had seen, and whether they had observed signs of disaffection or treason toward the chief of the Roman world. In this way they were encouraged to become the spies of the emperor, and to note anything likely to arouse the suspicion and jealousy of a despot. The visits of these imperial detectives were looked forward to with dread even by honorable and faithful magistrates, for the informers were not restrained in their denunciations by respect for truth or justice. Under the fostering patronage of feeble and jealous princes the art of espionage attained a degree of perfection unknown to the minions of Caius or of Commodus, and thousands of persons were employed in watching for an act or word that might be construed into evidence of disloyalty. Executioners were kept busy in wringing confessions by torture from accused or suspected persons, and supple jurists readily found some legal pretense for outraging the most sacred rights of a Roman freeman. According to established law all persons of illustrious descent or honorable rank in society, or in ecclesiastical or official life, including bishops, presbyters, professors of the liberal arts, members of the legal fraternity, municipal officers and their posterity to the third generation, soldiers and their families, and children not arrived at the age of puberty, were exempt from degrading punishments and from torture; but this exemption was disregarded on the ground that all privileges were forfeited by treason against the majesty of the prince, and treason, according to the

Roman interpretation, meant any expression of disrespect, by word, act, or even look, concerning the sovereign personally, or the sovereign as represented in his statue, image, or picture.

The favored quæstor, who, under Augustus, was the bearer of the emperor's written messages to the Senate, had become, in course of time, as the legislative power was withdrawn from the Senate, and exercised by the emperor directly, the annunciator of the imperial will, as expressed in edicts, or decrees, or in any other form in which Cæsar chose to make his mandates known to his subjects. This was the position which the quæstor held in the government of Constantine. He was sometimes invited to a seat in the imperial consistory, or cabinet, with the prætorian prefects and the Master of Offices, and it was his duty, when requested, to pass judgment upon questions of law or jurisdiction submitted to him by inferior judges. In this respect, his duties were not dissimilar from those of an attorney-general, for he could not originate law, but only declared, or interpreted, the will of the law-maker.

The collection and disbursement of the public revenues gave employment to an immense army of office-holders, not only in the provinces, but at the capital. The Count of Sacred Largesses was at the head of this important department. He had subordinate to him twenty-nine provincial receivers, of whom eighteen were honored with the title of Count, and these directed the operations of swarms of inferior officials of various grades, down to the common tax-gatherer. The business of the department was distributed among eleven different bureaus. The officials who audited the various claims upon the treasury were distinct from those who paid out the money, so that the several bureaus formed a check upon each other. Office-

seeking was as much of an evil in Constantinople as it is to-day in Washington; and the various departments were infested by throngs of men from the provinces ambitious to live without hard work.

The jurisdiction of the treasury department extended over the mines of precious metals, the mints, the treasuries of leading cities which were used as depositaries for the funds of the State, over the foreign trade of the empire, and the linen and woolen manufactories in which cloth was spun, woven, and dyed, for the use of the army, and of the multitude of public servants who were clothed by the State.

The private property of the emperor was administered by an official known as the Treasurer of the Private Estate. The imperial domains were very extensive, and were situated in various provinces, from Palestine to Britain. They had been acquired chiefly by confiscation and forfeiture, but a part of them, Gibbon suggests, may have been derived from wealthy families which had been invested with the purple. The rich domains in Cappadocia, which had once been sacred to heathen gods, were cared for by an official holding the rank of Count, and officers of inferior station attended to the imperial estates in other regions of the empire.

All civil magistrates were drawn from the legal profession, which, outside of the army, was the only calling open to youths of good parentage and ambitious temperament. The empire contained several excellent law schools, the most famous being at Berytus, on the coast of Phœnicia. After five years' study the students went into the provinces, either with a view of practicing in the courts, or of obtaining official employment. The highest honors were attainable by industrious and talented advocates, and even those of inferior ability succeeded generally in procuring some

remunerative position in the numerous departments of government.

The courts of the prætorian prefects afforded employment for many members of the bar, and advocates of regular and recognized standing in the profession were in a certain sense officers of the court, and distinguished by peculiar privileges. The government employed legal talent to uphold its cause in cases in which the public interests were particularly involved, and two advocates were annually appointed to conduct suits in behalf of the treasury. Each magistrate likewise had his corps of assessors, or advisers, whom he called upon when he needed assistance in coming to a decision, and to whom he referred causes to be examined and reported upon. Elevation in the civil service was, in the ordinary course, gradual. An advocate might be promoted to the magistracy of one of the lower courts, next to the administration of a province, and step by step, if he proved himself loyal, worthy, and efficient, to the highest honors within the gift of the prince.

III. The command of the military forces of the empire was confided to two masters-general, one of cavalry, the other of infantry. Each master-general commanded in the field the troops belonging to his branch of the service. The number of masters-general was gradually increased to eight, and subordinate to them were thirty-five military commanders, stationed in the several provinces—six in Gaul, one in Spain, one in Italy, five on the Upper and four on the Lower Danube, eight in Asia, three in Egypt, and four in Africa proper. All those commanders were *duces*, or dukes, while ten were likewise distinguished by the title of *comites*, or counts, a title of trust and honor which, as I have explained in previous chapters, originated in the early republican period, and was applied in the reign of Augustus to the

officers of the imperial household, and subsequently to the lieutenants of the emperor assigned to important duties, such as the protection of a coast or frontier specially liable to hostile attack. As the term *dux*, or duke, merely signified a leader, the title of count was, in the age of Constantine and for a long time afterward, one of far superior distinction. Each provincial commander, whether a duke or a count, received an allowance sufficient to support one hundred and ninety servants, and one hundred and fifty-eight horses. His duties were strictly of a military nature, and he could not interfere with civil affairs, while, at the same time, his military jurisdiction was distinct from and independent of the civil authority.

The troops of the empire were distinguished as Palatines and Borderers, the former being those who were quartered at the seat of government, and the latter the soldiers who did the hard fighting on the frontier. The Palatines wore gaudy uniforms, were well-paid, and performed light duties, such as guarding the imperial palace, and escorting the high officers on their travels. Their discipline was not severe. They were required to make a grand and imposing display on occasions of State, and to sustain the dignity and majesty of the sovereign, but the soldierly qualifications of courage and endurance were but little regarded. Two officers, known as Counts of the Domestics, commanded the chosen bands of cavalry and infantry who guarded the imperial palace. The whole force, consisting of three thousand five hundred men, was divided into seven schools, or battalions, of five hundred men each, and the soldiers selected for this honorable service were chiefly natives of Armenia. From the seven schools two companies of horse and foot were picked out, who stood guard in the interior apartments of the palace, and members of which

were sometimes dispatched into the provinces on missions of a confidential nature.

The legions on the frontier were, on the contrary, engaged in almost perpetual warfare with barbarians, who were often better armed and more experienced in the hardships and the strategy of war than the degenerate Romans. The army was fully double in aggregate numbers what it had been in the age of Augustus, but the quality of the men, and their arms and equipments, were far inferior to those of the legions who conquered Britain, and carried the Roman eagle into the deserts of Arabia. To fill the ranks of the immense standing army—which under the successors of Constantine rose to six hundred and forty-three thousand men—the youth was dragged from his pastimes, the father from his family. Attempted evasion of military service was punished by burning alive, and similar cruel and exemplary penalties, and exemption could only be obtained by the procurement of a substitute, or the payment of a heavy fine. Enervated Asiatics and mercenary barbarians were indiscriminately enlisted, and the latter, notwithstanding an effort to build up a hereditary military class within the empire, rose to the highest commands.

IV. The system of taxation was similar to that framed by Augustus, but the exactions were incomparably greater. At intervals of probably every fifteen years the whole landed property within the limits of the empire was accurately surveyed, and its nature, whether arable or pasture, woods or vineyards, was distinctly set forth in the maps and accompanying reports. The average value of the produce of the land during the previous five years was also stated, and likewise the number of slaves and cattle owned by each proprietor. Every property-owner was sworn to make a truthful statement of the condition of his affairs,

and a false answer, or an attempt to evade making correct reply, was punished as a capital crime. The land and other property owned by the landholders were divided into *capita*, or heads, the *caput* being a unit of taxable property. The estate of one proprietor might include a number of *capita*, or the property of several citizens in moderate circumstances might be conjoined in one *caput*. Even the patrimony of the monarch was not exempt from the general assessment. Citizens who owned personal property only were taxed in proportion to their wealth, and merchants, money-changers, manufacturers, mechanics, and even public prostitutes, were all called upon to contribute to the revenues. Individuals without any accessible means were required to pay a poll-tax, and failure to satisfy the tax-gatherer was punished by incarceration in the common jail, and sometimes by whipping.

About two months previous to the first of September in every year an indiction, subscribed in purple ink by the emperor's own hand, was published in the chief city of each diocese, or district, of the empire, prescribing the amount of the tax to be levied within the district. If the sum called for by the indiction did not prove sufficient for the needs of the State, a supplementary indiction was issued, and the prætorian prefects were sometimes permitted to levy taxes in order to provide for unforeseen and extraordinary exigencies. The collection of the revenues was entrusted to a swarm of subordinate officials, some of whom were directly responsible to the imperial treasury, and others to the governors of the provinces, and the governors were, of course, under the direction of the prætorian prefect within whose command their provinces were situated. The prætorian prefects had charge of the administration of the provincial revenues, while the receivers-general probably

attended to the funds needed for imperial uses. Taxes were payable in money and in kind. Gold alone was receivable for taxes payable in money, and revenue agents were strictly prohibited from receiving in money the taxes payable in kind.

The kind and quantity of produce exacted from the agriculturist were assessed according to the nature and productive power of the soil as set forth in the imperial surveys; and the product, whether corn, barley, wine, oil, or wood, was transported by the taxpayer at his own expense to the nearest imperial magazine, or granary. Thence the produce was forwarded, as needed, to the imperial court, to the armies and the military posts, and to the capitals, Rome and Constantinople.

The exaction known as *aureum coronarium*, or coronary gold, was a relic of the ancient custom according to which cities and nations presented golden crowns to victorious Roman generals, in token of gratitude for being delivered from danger, or with a view of propitiating favor. After the establishment of the empire these costly presents were exacted by the emperors upon every extraordinary occasion, such as accession to the throne, a victory over barbarians, the birth of a son, the creation of a Cæsar, or any other event of importance; and the contributions were no longer in the form of gold crowns, but of gold coins. In the era of Constantine the Roman Senate was expected to present to the emperor on such occasions as those mentioned a gift of sixteen hundred pounds of gold (about \$320,000). The exaction of coronary gold was a severe tax upon the resources of the provinces, especially when the wealth of the people had become diminished through official extortion and barbarian rapine.

CHAPTER XV.

THE DECLINE AND EXTINCTION OF PAGANISM.

Part I.—The Universal Church Purified and United by Persecution—Constantine Avows Himself Champion of the Cross—The Edict of Milan—The Christian Hierarchy—The Patriarchical Sees—Wealth of the Roman Pontiff—Subjects Permitted to Bequeath their Estates to the Clergy—Bishops as Civil Magistrates—The Connection between Church and State—Rights and Privileges of the Clergy—Bishops Tried by their Brethren—Degradation as a Clerical Punishment—The Synod an Ecclesiastical Legislature and Court—The Right of the Emperor to call a General Council—Toleration of Paganism—Constantine as Supreme Pontiff of the Pagan World—Deified after his Death—Growth of Christianity.

Part II.—Discord in the Church—The Council of Nice Defines the Orthodox Doctrine—Arians Persecuted—Arius Received into Imperial Favor—Division of the Empire between the Sons of Constantine—Constantius Upholds the Nicene Creed, and Constantius Espouses Arianism—Athanasius Exiled—A Religious War Threatened and Averted—Constantius Master of the Roman World—He Intimidates the Church into Obedience to his Will—Athanasius again Deposed—Sanguinary Tumults and Insurrections—Thousands of Lives Sacrificed in Religious Strife.

Part III.—Paganism in Rome—The Emperor still the Supreme Pontiff—The Augurs—The Vestal Virgins—The Sybilline Leaves—The Lupercalia—The Targets of Mars—The Statue of Victory Removed from the Senate-house—Temples Plundered of their Treasures—An Edict which was not Enforced—Decay of Paganism in the Provinces—Destructive Zeal of the Christians—An Unexpected Revolution.

Part IV.—The Early History of Julian—Sincerity of His Conversion to Paganism—His Natural Endowments—He

Proclaims Toleration, but Insidiously Persecutes the Christians—Temples Reopened and New Temples Built—The Soldiers Obligated to Sacrifice to the Gods— Attempt to Rebuild the Temple of Jerusalem—Death of Julian—His Testimony to the Truth of the Gospel Narrative.

Part V.—Jovian Re establishes the Dominance of Christianity, but Proclaims Universal Toleration—Valentinian and Valens—Valentinian's Admonition to the Clergy, not to Frequent the Houses of Virgins and Widows—Restrictions on the Bequeathing of Property to the Church—Theodosius Crushes out the Arians, and Causes the Roman Senate to Declare Christianity the State Religion—The Worship of the Gods Prohibited—Serapis Dethroned—Extinction of the Ancient Faith.

I. I have shown that the Christian hierarchy was wealthy and influential in the days of Aurelian, and that the persecution of Diocletian was the final effort of paganism to stamp out the rival faith. That season of gloom and of suffering, instead of weakening, only served to fortify the Church, and to make Christians forget for a time the dissensions which were already springing up in regard to subtle points of doctrine. The lash and the branding-iron kindled the fervor and redoubled the zeal of the faithful, and Christianity emerged from the ordeal purer, more united and more powerful. Animated by the instinct of self-preservation, and emboldened by the knowledge of their numbers and their strength, the Christians were no longer inclined to abstain from interference in political affairs. The toleration and favor extended by the court of Treves to the Christians of the west won the gratitude and excited the expectations of their fellow-believers throughout the empire. In his struggle with Maxentius, and in his wars against Licinius, Constantine had the hearty sympathy of the Christians, both in the legions and in civil life; and there can be no doubt that his triumph over his pagan

competitors was largely due to his avowed character of champion of the cross. Indeed, the second attack upon Licinius was not unlike a crusade, and while the sacred standard, known as the *Labarum*, struck terror into the hostile armies, the prayers of the universal Church were being publicly or covertly offered up in Constantine's behalf.* Yet although the defeat of Constantine might have delayed, it could not have prevented the triumph of Christianity. The Church possessed within itself the forces which insured success, while the glory and splendor of paganism seemed to wane with the decline of Rome.

At the time that the edict of Milan (A. D. 313) declared freedom of religious worship to be law throughout the Roman world, the affairs of the universal Church were administered by eighteen hundred bishops, of whom one thousand were situated in the Greek, and eight hundred in the Latin provinces of the empire, while the primates of Rome, Alexandria, Antioch and Carthage, exercised a superior jurisdiction commensurate with the importance of their sees. The bishop of Rome was by far the wealthiest of Christian prelates. The pious generosity of the faithful had poured gold and silver at the feet of the successor of St. Peter, until it was difficult indeed to recognize in the richly-vested pontiff any semblance to the poor fisherman who left his nets to follow Jesus of Nazareth. The primate of Antioch likewise enjoyed an ample revenue from the wealth with which that ancient see was endowed, and the other

* The *Labarum* was a long pike intersected with a transverse beam. A slender veil of silk hung down from the pike, and was curiously inwrought with the images of the reigning monarch and his children. The summit of the pike supported a crown of gold, which inclosed a mysterious monogram, at once expressive of the figures of a cross and the initial letters of the name of Christ. Fifty guards of approved fidelity guarded the *Labarum*.—*Gibbon*.

patriarchs of the Church had no reason to complain of their worldly fortunes. Constantine granted to all his subjects free permission to bequeath their property to the clergy, a license which was readily taken advantage of by large numbers of devout persons, anxious to earn eternal salvation by the gift of their earthly possessions. The Church thus acquired title to and control of valuable landed estates, and subsequent emperors found it necessary to restrain by stringent enactments the aggrandizement of the priesthood, and the impoverishment of private families.

The bishops not only exercised high ecclesiastical, but likewise important civil functions. The Christians from the earliest times had been accustomed to resort to their pastors for the arbitration of disputes, and the settlement of questions affecting property and personal integrity, and the decisions given, although without legal force, were implicitly obeyed. Offenses against decency and morality committed among Church-members were likewise subjects of ecclesiastical discipline, and the penalties pronounced from the altar were far more dreaded than the sentence of a pagan magistrate. As the Christians increased in numbers, and the government grew more tolerant toward the faith, the civil jurisdiction of the bishops and priests was to a certain extent recognized, though their judgments could not be sustained or enforced without the consent of the parties affected. But when Constantine, by publicly avowing his adhesion to the cross, threw over the Christian hierarchy the mantle of imperial favor, the bishops became civil magistrates in the fullest sense, and the ordinary officials of the empire were instructed to enforce the episcopal decrees. In order to comprehend the important bearing of this change upon the relations between the prince and his subjects, it should be remembered that every prelate, from

the Pope of Rome to the humblest incumbent of an African or British see, was elected by the clergy and people of his diocese, while all other magistrates were the appointees and creatures of the emperor. Thus popular election, long extinguished in the State, survived in the Church, and the clergy stepped forward as the champions of the people against the caprice and cruelty of tyrants. The excommunication and the interdict were hurled fearlessly against oppressive and rapacious governors, and even imperial majesty was compelled to humble itself in the dust, and make confession of its crimes before God and man.* To the clergy was committed the distribution of the corn set apart from the imperial stores for the relief of the destitute, and a large portion of the income of the Church was likewise devoted to the alleviation of suffering and the support of the poor.

Ecclesiastics were recognized as a distinct order, and the bishops ranked among the nobility of the empire; but the ministers of religion were maintained by the voluntary contributions of the faithful. Constantine occasionally donated large sums for religious purposes, and the bishops were allowed to use the public posts, but Cæsar's jurisdiction was strictly confined to the things that belonged to Cæsar. The bishops not only exercised judicial functions

* A serious riot occurred at Thessalonica in A. D. 390, in which an imperial officer and several soldiers were killed. The emperor Theodosius resolved to take signal vengeance. He sent an army of barbarians to the city, and caused the people to be invited to the games of the circus. When the unsuspecting citizens were all assembled in the circus, the soldiers were ordered to begin a general massacre. Fully seven thousand persons (some say more than twice that number) were slain. When Theodosius subsequently went to the cathedral in Milan to perform his usual devotions, Ambrose, the archbishop, stopped him at the door, and refused to let him enter until he had publicly acknowledged his guilt, and begged the pardon of Heaven.

over the faithful of their dioceses, but also had the privilege of being tried by their peers, even when accused of a capital crime—a privilege denied in the later ages of the empire to the senators of Rome. A synod of bishops passed upon the question of the guilt or innocence of their episcopal brother, and their verdict was final. Ordinary priests might be punished for lesser offenses by being suspended or degraded from their sacred office; but serious crimes, for which degradation was not considered an adequate atonement, were dealt with by the secular courts. The buildings devoted to Christian worship gradually acquired the character of sanctuaries, within whose sacred precincts criminals might take refuge from the vengeance of the law.

The affairs of the universal Church were administered by synods, or assemblies of bishops, which met in the spring and autumn of every year. Each metropolitan called together the prelates within his jurisdiction. Questions of doctrine were debated, heretical teachers reproved or condemned, the merits of persons elected to the episcopal office were discussed, and the rights of the clergy were defined and declared. If any charge of misconduct or crime was presented against a bishop, the accusation was investigated, and judgment rendered, and a sentence of deposition, if proper, was pronounced. The synod was an ecclesiastical legislature and court, making, interpreting, and enforcing laws for the government of the Church. A general council could be summoned by the emperor alone; neither the Pope of Rome, nor the equally influential patriarchs of Constantinople or Alexandria, appear to have exercised the power of calling together a general council of Christian prelates during the existence of the western empire. But the emperor does not seem to have arrogated any ecclesias-

tical authority in thus peremptorily summoning together the fathers of the universal Church. He acted rather in his capacity of head of the State, and conservator of the public peace; and the ostensible object of the summons was to heal dissensions which agitated the Church, and distracted the State. During the session of the Council of Nice (A. D., 325), Constantine carefully avoided any appearance of assuming to dictate or to control the deliberations of the assembled bishops. On the contrary he affected to treat them with veneration and respect, as if he was the inferior, and they the superior even of the prince.

While Christianity was favored and protected, the worship of the gods was tolerated. Constantine, although champion of the cross, continued to be the Supreme Pontiff of Roman polytheism. One of his edicts enjoined the observance of Sunday, another directed the regular consultation of the *aruspices*. Constantine did not become a Christian in the real sense of the word until his last illness, when, by baptism, he was enrolled among the members of the universal Church; and the pagan Senate of Rome, piously ignoring the fact of his departure from the ancient faith, solemnly added his name to the galaxy of deified emperors, and associated him in their worship with Augustus, Trajan and the Antonines. Paganism was still the avowed practice of a decided majority of the people, although its temples and its altars were rapidly being deserted by that numerous class whose conscience was guided by their self-interest, and who saw that the path to imperial favor led through the Christian basilica. The shrines of the gods were no longer enriched by princely munificence, and the fanes of Jupiter, Apollo, and Diana, were outshone in splendor by the grand temples which arose in the patriarchal cities. The arts of sculpture and painting which had

peopled the world with the statues and pictures of Olympian divinities were now diverted to the glorification of Christ, his apostles, and his martyrs. Christian altars dazzled the beholder with the yellow refulgence of gold and the lustre of precious gems, while roofs of glittering brass reflected back the blinding rays of a southern sun.

II. The Christian Church, though prosperous, was far from being united and harmonious. No longer bound together by the tie of common suffering in a common cause, bishops and presbyters wrangled over points of doctrine which, to the martial mind of Constantine, were simply incomprehensible. There seems to be a tinge of sarcasm, doubtless unintentional, in the admonition which he addressed to the Christian clergy, urging them to imitate the patience and forbearance of the Grecian philosophers, who carried on arguments without losing their tempers. The well-meant suggestion appears to have had no lasting effect upon the angry disputants, and at length Constantine himself seems to have become imbued with the spirit of controversy. With a view of restoring the peace of the Church, and of settling at once and forever the question of the nature of the Trinity, the emperor summoned the Christian bishops to meet in general council at Nice, in Bithynia. Every bishop was furnished with money from the imperial treasury to pay the expenses of his journey, and to maintain him during the session of the Council; and the public posts were placed at the service of the ecclesiastics. The Roman pontiff was represented by legates, while the eastern primates, and many of their suffragan bishops, attended in person. The emperor, as has already been stated, made no attempt to dictate, or even to suggest to the assembled Fathers, but listened to them with a deference and reverence which was all the more impressive and significant in view

of his unlimited power, and the unbending autocracy which characterized his civil administration. The judgments of the Council he enforced with unsparing severity, and parts of the persecuting edicts of Diocletian are said to have been repeated in the decrees of Constantine which doomed heretical books to the flames, and their possessors to an ignominious death. Thus the first Christian emperor initiated the first Christian persecution, at the dictation of a council of Christian prelates. Constantine appears to have repented of his harshness a few years later. He recalled Arius from exile, and treated him with marked favor, and even procured the deposition of the three primates of Antioch, Alexandria, and Constantinople, who were the leading advocates of the Nicene doctrine of consubstantiation. But these retaliatory measures only served to embitter the anger of the contending factions in the Church.

The death of Constantine in May, 337, left his three surviving sons, Constantine, Constans, and Constantius, in possession of the empire. Constantine received Gaul, Britain, Spain, and part of Africa, as his share, Constans governed Italy, and Constantius ruled the east. The effort of Constantine to add the dominions of Constans to his already ample portion resulted in his defeat and death (A. D. 340), and Constans became sole emperor of the west, while Constantius remained in control of the east. Constantius favored the Arians, while his brother, in unison with the great majority of the western bishops, supported the orthodox view of the Trinity. Athanasius, of Alexandria, was the conspicuous champion of the Nicene creed, and the special object of the hatred and hostility of Constantius and his advisers. Driven from his archiepiscopal throne, Athanasius fled to the court of Constans, who took up with

zeal and enthusiasm the cause of the exiled prelate, which to the mind of the emperor seemed to be identical with the cause of Christ. Constans sent to his Arian brother a peremptory demand that Athanasius should be reinstated in the patriarchal chair of Alexandria; and the message was accompanied with a threat that refusal to comply would be regarded as a declaration of war, and that a fleet and an army would restore the primate to his throne. Thus within less than half a century after the edict of Milan had removed the ban of outlawry from Christianity, the horrors of a religious war already impended over the empire. The Saviour's injunction to love one another was forgotten in the fierce, all-devouring ardor of sectarian strife, and Christians were prepared to decide with the sword a point of doctrine which learned theologians acknowledged to be mysterious, and which to ordinary intellects was utterly incomprehensible. The prudence of Constantius fortunately prevented an appeal to arms. He consulted his own security, as well as the interests of humanity, by a timely compliance with his brother's mandate; and Athanasius was graciously invited to resume the ecclesiastical government of Egypt. A reconciliation effected under such circumstances could be neither sincere nor permanent, and Constantius only awaited a favorable opportunity to crush his haughty and uncompromising subject.

The assassination of Constans, and the subsequent overthrow and death of the assassin and usurper, Magnentius, left Constantius the monarch of the Roman world. As soon as he had fairly established himself in his new dominions he proceeded to extend to the west the system of religious intimidation and proscription which had long prevailed in the east, and he applied himself to obtaining, by promises, intrigues and threats, the formal consent of

the western bishops to the deposition and condemnation of Athanasius. The western prelates were stubborn and independent; their sympathies were with the champion of the orthodox creed, and they long resisted the pressure of their sovereign's influence. The attitude of the Alexandrian primate was not calculated to lessen the impatience, or mollify the rage of Constantius. Strong in the admiration and affection of the Christians of Egypt, he comported himself more like an independent prince than a spiritual guide, and did not hesitate to denounce his imperial enemy in public as weak and wicked, in private as Antichrist. Every day that he sat upon the patriarchal throne bore evidence to his own strength, and to the impotence of his adversary. At length a sufficient number of western bishops were won by the smiles, or intimidated by the frowns of majesty, into pronouncing a solemn sentence deposing Athanasius from his see. Some of the prelates were deaf alike to threats, and to persuasions, and refused to subscribe to a verdict which they believed to be unjust. Among them was Liberius, the pontiff of Rome, who, when ordered into distant exile as a punishment for his obstinacy, rejected the gold sent him from the imperial treasury to defray his expenses, with the defiant remark that "the emperor and his eunuchs might need it to pay their soldiers and their bishops." Athanasius saved himself by timely flight from falling a victim to the vengeance of the long baffled but now triumphant autoerat, and he found among the stalwart monks of the desert the peace and safety denied him within the limits of civilization.

Having by usurpation, force, and strategy, acquired supreme control over the universal Church, Constantius would brook no further resistance to his will. The dukes, the counts, and the prefects of the empire were required to

enforce the mandates of the sovereign with all the power at their command, and the imperial legions were employed to compel the Catholics and kindred sects to adopt the Arian doctrines, and bow to Arian prelates. The minions of the emperor encountered sturdy opposition in more than one quarter of the Roman dominions; force was met by force, and more Christians perished in the insurrections and tumults excited by the arbitrary course of this Christian prince than had been put to death by the most malignant of pagan persecutors. In Paphlagonia the peasantry rose in defense of their priests and their altars, and four thousand legionaries were mowed down by the scythes, the axes, and other rude weapons wielded by the rustic insurgents. The orthodox Christians of Constantinople took arms in support of their patriarch, and Hernozenes, a master-general of cavalry, was slain, and his body dragged through the streets. The faithful of Rome refused to acknowledge the usurper, Felix, whom Constantius, in violation both of the laws of the Church and of the rights of the people, had caused to be elevated to the pontificate. In Africa, the Donatists, driven to a desperate course by years of oppression, defied the primate of Carthage and the imperial mandates, and boldly declared that the State had no right to meddle in affairs of the soul. The schism of the Donatists had broken out in 311, when the clergy and people of Carthage elevated Cæcilian to the archiepiscopal throne without inviting the bishops of Numidia to take part in the election. Seventy Numidian bishops, headed by their primate, Secundus, of Tigisis, assembled in council at Carthage, and pronounced a sentence of deposition and excommunication against Cæcilian, and elected Majorinus to the chair which they had declared vacant. Majorinus, on his death, in 315, was succeeded by Donatus, a man well fitted by energy of

character, firmness of opinions, and fanatical zeal, to be the chief of a sect which was under the ban of the civil power.

Although Donatism did not break out until the beginning of the fourth century, its causes are traceable far back in the ages of persecution. Among the multitude of Christians of the early period were many who had not the moral and physical courage to face the tortures decreed by intolerant emperors against all who refused to deliver up the sacred writings to the flames. Those who yielded were denounced by their sterner brethren as *traditores*, or traitors, and a large party in the Church was in favor of excluding them from the Christian communion. In the great centres of the empire, such as Rome, Carthage, Alexandria, and other populous cities, the number of *traditores*, both those who had delivered up the sacred writings, and those who had lapsed into idolatry in other ways, was very large, for there the rage of persecution chiefly expended itself, and spies and informers were most numerous and inquisitive. The faithful of the cities were, therefore, inclined to look with leniency upon their erring fellows, and to receive them back when they repented. In the rural districts, on the other hand, the persecuting decrees could not be enforced as rigorously or as effectively as in the cities, and the peasantry, being more bigoted and narrow-minded than the urbane Christians, severely denounced those who had given way to temptations and terrors to which they had themselves been scarcely exposed. Thus two parties grew up in the Church, not differing from each other in regard to dogmas or doctrine, but only in respect to the rigor with which lapses from fidelity should be dealt with. The Novatian schism, which took its rise in Rome in 251, represented one branch of the party of severity and exclusiveness, and Donatism took its rise in another; and in

Carthage, as in Rome, the policy of rigor was repudiated by the great majority of the Christians. Constantine found Cæcilian in possession of the patriarchal see, and he extended to him substantial aid and recognition, and even went so far as to deprive the Donatists of their churches and their property. Subsequently the first Christian emperor adopted a more lenient course toward the schismatics; but his sons, the Catholic Constans, and the Arian Constantius, renewed the severities which had been a blot upon their father's reign. Persecuted by the civil power, forbidden to hold their meetings under penalty of death, and hunted like beasts by the military, many of the Donatists took to pillage and brigandage; and they found ready allies in outlawry in an obscure band of fanatics, known as Circumcellions, who, whatever their religious belief, were nothing better than midnight prowlers and robbers. Commanders were sent to subdue the rebels, and some of the encounters between the imperial troops and the Donatists might almost be dignified as battles.

III. The pagan world looked on in surprise at the scenes which were being enacted by the disciples of Him who had said: "These things I command you, that ye love one another."* The apologists of the ancient religion found in the dissensions which rent the universal Church plausible reasons for defending polytheism, whose votaries had never dreamed of requiring an absolute uniformity of doctrine and belief. Infidels, who affected to discredit both the teachings of Christ and the myths of paganism, found in the merciless intolerance of Christians toward each other a specious pretense for arguing that the new faith was no better than the old, and was not likely to improve or ameliorate the condition of humanity; that the fanaticism

* Gospel of St. John. Chap. XV., v. 17.

which sacrificed thousands of victims in a controversy over the nature of the Trinity was akin to that which devoted holocausts to Baal. It is not strange that an active and uneasy mind like that of Julian could not rest content within a communion whose pure and beautiful teachings were belied and ignored by its professors; and that he sought spiritual rest and satisfaction in polytheism refined by Neoplatonic philosophy.

The gods and goddesses of Olympus were still adored by a vast multitude, if not a decided majority of the Roman people. The College of *Pontifices*, of which the emperor was the nominal chief, still exercised supreme jurisdiction over the rites and ceremonies of religion, prescribed rules for public worship, regulated the feasts and sacrifices, and passed upon all questions of a sacerdotal nature submitted to their judgment. The augurs interpreted dreams and prodigies, and pretended to discern the fortunes of the State in the rumble of the thunder and the lightning's flash; the Vestal Virgins still tended the holy fire which Numa had committed to their charge, and fifteen keepers watched over the Sybilline leaves, pregnant with the fate of Rome. The Lupercalia were celebrated in honor of the sylvan god, and helmeted priests still carried in solemn procession the targets sacred to the deity of war. Constantius followed the example of his father in exercising the duties of the Supreme Pontificate, and bestowed sacerdotal offices upon favored members of the Roman nobility. Nevertheless he removed from the senate-house the majestic statue of Victory, at whose altar senators were sworn, and before which they usually made a solemn offering of wine and incense before beginning their deliberations. He also plundered many of the shrines of their treasures of gold and silver, the pious accumulations of

ages, and transferred to the city of Constantine some of the choicest works of pagan art. That he meditated severe measures for the repression of the ancient religion is shown by the language of an edict which appears never to have been fully enforced, even if it was ever published. This edict commanded that all the pagan temples should be closed, and that all subjects of the emperor should cease from sacrificing to the gods, under penalty of death, and enjoined upon governors of provinces to see that the decree was strictly executed, and that officials failing in their duty should be punished by the confiscation of their property. There is no evidence that any attempt was made to carry out this harsh and sanguinary mandate, or even that its provisions were proclaimed to the world. Certain lascivious forms of worship were suppressed, but this was no more than several of the pagan emperors had done; divination was prohibited as a criminal practice, and the oracles were doomed to silence.

But, while in the capital city of the west, polytheism, upheld by the wealth, the respectability, and the influence of its votaries, retained something of ancient splendor, in the provinces it was rapidly giving way before the encroachments of the dominant faith. The zeal of the Christians led them to compel the closing of temples, and even to demolish in many instances the consecrated resorts of pagan worshippers; and imperial magistrates were blind to acts of injustice and violence which, they felt, were not displeasing to their master. Notwithstanding their bitter discords the Christians were united in their detestation of the belief which had been professed by Pilate, Galerius, and Maximin, and they considered it a sacred duty to destroy its altars and overthrow its idols. None were more active in the work of destruction than those who had been recently

converted, and who were apparently anxious to atone for their tardiness in embracing the religion of Jesus by their ardor in attacking His enemies. Frowned upon by majesty, and assailed by zealous proselytes of Christianity, the gods of Olympus seemed doomed to early dethronement, when the insurrection of Julian, and the death of Constantius, brought about an unexpected revolution.

IV. Julian was one of the two sons of Julius Constantius, brother of Constantine the Great. Gallus, the elder brother of Julian, had been appointed Cæsar by the emperor Constantius in 351, when affairs in the west demanded the undivided attention of the latter. While Constantius was carrying on war against Magnentius, Gallus was left in command of the east; but, when Constantius had crushed the usurper, and was without a rival in the empire, he became suspicious of Gallus, inveigled him into his power, and caused him to be arrested and beheaded. Julian, by his address and caution, succeeded in disarming the suspicions of the tyrant, and was permitted to go to Athens and pursue his studies. Among his fellow-students were Gregory Nazianzus and Basil, both of them subsequently eminent defenders of the Christian Church. Julian was soon afterward invested by Constantius with the dignity of Cæsar, and sent to Gaul to resist the Franks and the Alemanni, who were ravaging the fairest portions of that province. He won signal victories over the barbarians, and endeared himself both to the soldiers and to the people under his command. His success and popularity excited the jealousy of Constantius, who ordered him to send some of his best legions to the east. The soldiers were unwilling to leave their general, and proclaimed him Augustus and *Imperator*, thus setting Constantius at defiance. The vigor, celerity and strategy of Julian dismayed and confounded his enemies, and the

provinces were rapidly yielding to his arms, when the death of Constantius brought an end to the war.

There is no more reason for questioning the sincerity of Julian's conversion to Paganism, than for impugning the motives of Constantine in espousing Christianity. The worldly interests of both were forwarded by their change of religious belief. Just as the oppressed Christians had looked to Constantine as their future deliverer, so the pagan subjects of Constantius regarded the rebel Cæsar of Gaul as the champion of outraged Jove, and the vindicator of the ancient faith. Julian was endowed with military talent of a high order, his mind was analytic, keen, and discriminating; he readily penetrated the mask of hypocrisy, and he abhorred chicanery. His self-denial and chastity would have been saintly in a Christian, and were noble in a pagan. He was inspired by a lofty, almost a chimerical ambition, to restore the glories, and revive the virtues of republican Rome, and he set himself to his task with an earnestness and enthusiasm born of youthful energy and deep-seated conviction. He undoubtedly regarded Christianity as an element of disorder, and his purpose was to ruin it, not by violent persecution, but by gradual and insidious encroachments. He pretended to grant universal toleration, while at the same time requiring the Christians to replace the pagan temples they had destroyed, and give back the wealth they had plundered from the shrines of the gods. It was impossible to obey the decree, as Julian must have known, but it afforded the pagan magistrates an opportunity to gratify the emperor by subjecting prominent Christians to penalties, more or less rigorous. Julian endeavored to secure the fidelity of the rising generation to the gods of Athens and Rome by prohibiting Christians from teaching grammar or rhetoric in the schools. He caused the temples which had

been closed to be re-opened, he built new temples, and he tried to elevate the gods in popular esteem by requiring a higher standard of morals in those who sacrificed on their altars. He surrounded himself with pagan ministers, and none could expect to enjoy his favor, or to partake of his bounty, without conforming to his religious views. The *Labarum* of Constantine was no longer borne at the head of the legions, and every soldier was obliged, when receiving his donative, to burn a few grains of incense to the immortal gods. The statue of Victory was reinstated in the senate-house at Rome; Minerva was again recognized as the tutelary goddess of Athens, and the stately halls of Serapis were thronged with devotees. Long-deserted altars were fragrant with the smoke of sacrifice. Thousands who had adopted Christianity through motives of prudence or of selfishness, returned to the ancient worship. The pagans were triumphant, the Christians despondent.

The attempt to rebuild the temple of Jerusalem seems to have been a well-planned effort on the part of Julian to weaken the hold of Christianity upon the multitude, by refuting the prophecies of Christ, and by exhibiting to the world a race, whom the Christians regarded as marked with the curse of God and doomed to ceaseless wandering, once more united and prosperous in the land of their fathers. The enterprise proved abortive, owing to occurrences regarded by Christians as miraculous, and by pagans as astounding. Julian himself, after a brief reign of eighteen months, perished while upon a victorious expedition against the Persians (June 26, A. D. 363). It is a singular fact that the remnants of a book written by Julian in opposition to Christianity contain the strongest corroboration of the gospel narrative of the birth, life, and death of the Saviour.

V. Jovian, who had been *primicerius*, or chief of the

domestics under Julian—a rank equal to that of a military duke—was elected *imperator* by a military council composed of the commanders of the legions, and the choice was ratified by the voice of the army. Jovian restored Christianity to the dominant position which it had occupied before the accession of Julian, but he granted full and unrestricted toleration to Christian sects, and to the adherents of the ancient religion. The *Labarum* was again displayed at the head of the army, and the Roman soldiers who had but lately burned incense to Jupiter now marched under the banner of the cross. Jovian had worn the purple but six months when his death once more left the empire without a ruler.

Valentinian, who had commanded a school of domestics under Jovian, was saluted as emperor by the imperial ministers and the generals of the army, and the troops declared their approval of the nomination. The new Augustus had qualities which fitted him for his lofty station. He was of majestic presence, temperate in his habits, tolerant in his religious opinions, and willing to share with his soldiers the hardships and dangers of war. But in choosing for a colleague his worthless brother, Valens, he allowed fraternal affection to warp his judgment, and to obscure the merits of men better fitted to redeem the tarnished honor of the Roman name. Valentinian gave his brother the government of the east, from the Lower Danube to Persia, and he retained for himself Italy, Illyricum, Greece, and the provinces of the west.

Valentinian adhered to the Nicene Creed, while Valens favored the Arians. Thus the west and the east were religiously as well as politically divided; but Valentinian granted freedom of worship to all Christian sects, as well as to all pagans who abstained from debauchery under the

guise of religion, while Valens persecuted the supporters of the orthodox faith. Valentinian, tolerant as he was in regard to religious worship, felt it necessary to deal in a peremptory manner with two serious evils in the Church, which caused deep anxiety among Christians, and gave rise to scandal and scoffing among unbelievers. In an edict addressed to Damasus, the pontiff of Rome, the emperor admonished ecclesiastics and monks not to frequent the dwellings of widows and virgins. He likewise decreed that a pastor should not receive any gift, legacy, or inheritance from the personal estate of any woman whose spiritual director he had been, and that any donation made in violation or contravention of this enactment should be confiscated to the uses of the imperial treasury. The same law was afterward extended to nuns and bishops, and by a subsequent edict all persons of the ecclesiastical order were strictly forbidden to receive any testamentary gifts except in the natural and regular course of inheritance. It is evident that the demand for reform must have been very general to move an indulgent Catholic prince to thus interfere in behalf of morality and the natural rights of humanity, and there is too much reason to believe that many of the clergy in Rome, and other centres of wealth, extravagance, and licentiousness, had become ensnared by effeminate, and corrupted by luxurious associations. It is also possible that the emperor may have beheld with some jealousy the aggrandizement of the ecclesiastical order, and the expansion of the power and influence of the Roman pontiff, who seems to have been recognized in the imperial edicts as head of the Christian hierarchy in the west.*

* Valentinian died in a fit of uncontrollable rage, while receiving the messengers sent by the Quadi, whose country he was ravaging, to plead for mercy and peace (A. D. 375). He was succeeded by Gratian, his son by his first wife, Valeria Severa, and by Valentinian II., his son by

Pleasure-loving and indolent, but chaste and humane in his disposition, Gratian was easily influenced by the ecclesiastics who frequented his court, and guided both his conscience and his will. Fortunately for the Church and the people, his mitred advisers were men, who, like Ambrose, of Milan, did not believe in the shedding of blood, and while they considered it a pious duty to suppress all antagonism to the Catholic Church, their natures, imbued with the true spirit of the Gospel, revolted from extreme and sanguinary measures. Therefore while imperial edicts denounced and prohibited the public ceremonials of polytheism, pagans continued to sacrifice without incurring the penalty of martyrdom. The image of victory which Valentinian had tolerated in the Senate-house, was removed, but a majority of the senators still adhered to the gods of ancient Rome. Hundreds of temples were open in the imperial city, and hundreds of priests were employed in the performance of idolatrous rites.

Theodosius, whom Gratian elevated to the throne of the east after the defeat and death of Valens, (A. D., 378) was a Catholic of the most pronounced type. Though an able and successful military commander he was not a man of eminent intellectual endowments. He accepted the teachings of the Church without scrutiny or analysis, and was content to leave to the ecclesiastical order the task of explaining Justina. Gratian had been invested with the title and honors of Augustus before he attained his ninth year, and his name had appeared with that of his father and his uncle in all transactions of the empire. Valentinian was but four years of age at the time of his father's death, and was proclaimed emperor by the army, his mother holding the boy in her arms in view of the troops. Gratian recognized the right of his brother to an equal share of the sovereignty, and apportioned to him Italy, Illyricum, and Africa, with a residence at Milan, while Gratian retained the provinces beyond the Alps, and practically governed the whole western empire.

and defending the dogmas of Christianity. He was sincerely earnest in his belief, and did not care to listen to argument, or to join in subtle controversies. He applied himself with a single purpose, and with all the energy of a powerful will, to carrying out what he believed his duty as arbiter of the Roman world—the suppression of heresy and the extinction of paganism. He proclaimed it to be his imperial pleasure that his subjects should conform to the religion taught by St. Peter to the Romans, and professed by the pontiff Damasus, and by Peter, bishop of Alexandria; and he announced that all “extravagant madmen,” who dissented from the orthodox faith, must expect to suffer severe penalties. A Council was called together at Constantinople (A. D., 381), to confirm the faith of the Catholic Church, and to ratify the equal deity of the Holy Ghost. That Council indirectly recognized the supremacy of the Roman pontiff by declaring that the primate of Constantinople should rank next to the Pope in the Christian hierarchy. Arianism and other heresies were denounced, and the conditions under which heretics might be received back into the Church were stated. The Novatians, who called themselves *The Pure*, and who claimed that the Church had not the power to forgive the lapse of a person who had once been baptized, had been treated by previous councils as almost on a line with Catholics; they were now pronounced to be heretics, and were required to make formal renunciation of their heretical views before being admitted to the ranks of the orthodox. The Manichæans, whose religion was a strange medley of sun-worship, Gnosticism and Christianity, were the subject of special anathema, although the Manichæans claimed that they were not Christians, and had a hierarchy of their own, independent of and resembling that of the Catholic Church.

Theodosius in the east, and Maximus, who had usurped the throne of Gratian, in the west, were the first emperors to apply the arm of civil power to the suppression of heresy, as heresy. Previously the sovereign had interfered in religious controversies only when his own majesty or dignity was insulted, or when the public peace was disturbed by violent and exciting altercations, or when there was a contest for the control of the honors and emoluments of an episcopal see. Constantius had espoused the cause of Arianism as his personal quarrel, and had persecuted stubborn Catholics as his personal enemies, but he formed no alliance with the sect which he championed. Theodosius effected a union of the Church and the State. Heresy, as defined by the Church, was punished by the State as an offense against the State and its sovereign. A series of edicts debarred heretics from holding office, disqualified them from receiving property by will, or by inheritance, and from being received as witnesses in any ecclesiastical proceeding, and subjected them to various degrees of punishment, varying from fines, ordinary imprisonment, and scourging, to death. They were forbidden to meet together for the purpose of heretical worship, or to propagate their opinions, or to hold controversies or disputations in regard to questions of religion. The civil and military power of the empire was employed in breaking up heretical assemblies, and in the arrest and punishment of all Christians who failed to conform to the established worship. An Inquisitor of Faith was appointed to search out and bring heretics to justice, and no relaxation or leniency was permitted in enforcing the imperial decrees.

In the west Maximus emulated the zeal and energy of his eastern colleague. The Priscillianists, or followers of Priscillian, who denied the reality of Christ's incarnation,

condemned marriage, lived on a vegetarian diet, and believed that the world had been created by a malignant spirit that had its origin in chaos or darkness, besides various other fantasies of Oriental birth, were causing much trouble among the churches of Spain, where their doctrines had been embraced by several bishops. A synod held at Saragossa in October, 380, condemned the Priscillianists as heretics, and pronounced anathema against the members of the sect. Priscillian and his associates, by bribing the Master of the Offices of Gratian, obtained an imperial decree which virtually set aside the verdict of the synod. But subsequently, in 384, Maximus ordered an ecclesiastical council to assemble at Bordeaux, and pass judgment upon the charges preferred against the Priscillianists. Instantius, a Priscillian bishop, was deposed by the vote of the assembly, and Priscillian, fearing a similar decision in his own case, appealed to the emperor. Maximus summoned the accusers and the accused to his court at Treves—an assumption of authority which alarmed the more conservative prelates of the west, including Pope Siricius, Ambrose, of Milan, and Martin, of Tours. Priscillian was examined, probably under torture, and was condemned and put to death, with several of his adherents. Both the appeal, the trial, and the sentence were in violation of the established laws of the Church, which reserved questions of an ecclesiastical nature for ecclesiastical tribunals, and did not approve of bloodshed in the suppression of heresy. But the Church soon found that the scourge and the sword were more efficient in effacing heresy than anathemas or arguments, and we find even Augustine expressing the opinion that it is the duty of the State to aid in bringing heretics and schismatics back to the fold.

Theodosius having defeated Maximus and put him to

death, acquired undisputed control of the empire, although Valentinian, the brother of Gratian, was nominally associated with him in the sovereignty, (A. D., 388-92). He proceeded with characteristic energy to stamp out paganism, which was still the religion of a majority of the Roman Senate, and of a large body of the Roman people. As *imperator* he solemnly proposed to the assembled senators the question whether the worship of Christ, or of Jupiter, should be the religion of the Romans. Many of the Conscript Fathers were deeply attached to their ancient divinities, with whose names and whose altars Rome's glorious past was intimately connected. But the proposition addressed to them was in reality a mandate. The question had already been decided by the emperor whose creatures they were, and by the age in which they lived. In compliance with the will of their sovereign, they declared Christianity to be the faith of the Roman world. The worship of idols was proscribed throughout the city and the empire, and officers of high rank were commissioned to close the temples, to destroy the instruments and objects of idolatry, to strip the priests of their privileges, and to confiscate the lands and treasures sacred to heathen divinities for the benefit of the emperor, the Church, and the army. Serapis was dragged from his lofty throne, broken in pieces, and burned before the eyes of his ascended worshippers, who expected to see the god of the Ptolemies avenge his outraged majesty by some signal miracle. Olympian Jove, the masterpiece of Phidias, was transported from his sacred grove to Constantinople. Temples were either converted into churches, or demolished, and sacrifices were prohibited under the severest penalties. Divination was declared to be treason against the emperor, and even rustic gatherings for the celebration of pagan festivities were forbidden. Many noble

monuments of art which had been consecrated to the gods were destroyed, or fell into ruinous decay. Where there was no fanatical hand to mutilate or deface, there was none to tend or protect. The priests were scattered, the worshippers were gone, the faith of old had fled.

Paganism, driven from the cities, lingered for awhile in the woods and the secluded valleys. Long after the reign of Theodosius the superstitious peasant continued to breathe his prayers to the genii of the grove and of the river, and all traces of the ancient worship did not finally disappear until the Christian barbarians of the North seized upon the prostrate empire, bringing with them into their new homes the myths and traditions of their fatherland.

CHAPTER XVI.

FALL OF THE WESTERN EMPIRE.

- Part I.—Condition of the Empire under the System of Administration Founded by Diocletian, and Perfected by Constantine—Immunity of Provincial Tyrants—The Municipal System an Instrument of Extortion—The Privileged Orders—Cities Allowed to Elect “Defenders”—The Husbandmen Oppressed—Lands Deserted by their Former Proprietors—Desolation of the once Fertile Campania—Extremes of Luxury and Poverty in Rome—Magnificence of the Imperial City—Palaces of the Nobility—The Multitudes Fed at the Public Expense.
- Part II.—The Reign of Honorius—Stilicho Upholds the Majesty of the Empire—His Destruction Compassed by Jealous Courtiers—Alaric Besieges Rome—The City Suffers the Horrors of Famine—The Gothic King Accepts a Ransom—Attalus Elevated to the Imperial Dignity by Alaric—And Deposed—Rome Captured and Pillaged—Death of Alaric.
- Part III.—Honorius Grants Tardy Relief to his Ravaged Provinces—Rome Recovers from the Gothic Invasion—The Assembly of the Seven Provinces of Gaul—Barbarian Aggressions—Africa and Italy still Faithful to the Emperor—Death of Honorius.
- Part IV.—The Career of Ætius—A Great Commander, but utterly Devoid of Good Principles—The Weak Government of the Voluptuous Valentinian III.—Rome Pillaged by the Vandals—The Condition of the Provinces Growing Worse and Worse—Extortion by Imperial Commissions—Citizens Rise in Revolt Against their Oppressors.
- Part V.—Majorian, “The Last of the Romans”—His Reforms—His Victories—His Deposition and Death—Rapid Decline of the Empire—Phantom Princes—Abolition of the Imperial Dignity in the West.

I. The vast system of administration founded by Diocletian, and perfected by Constantine, supported the majesty of the

empire by consuming the vitality, and devouring the substance of the people. The ranks of the legions were replenished without respect to tender youth or trembling age; and extortionate taxation robbed trade of its profit, and industry of its reward. The eunuchs were the guardians of the prince, and the oppressors of his subjects. A numerous official aristocracy preyed upon the productive classes, and enriched themselves by the abuse of their authority. Every prefect was all-powerful within the bounds of his command, and the emperor, as long as his own decrees were obeyed, seldom interfered with the acts of his subordinates. He might truthfully plead ignorance of their corruption and their crimes, for the complaints of the people were not often suffered to reach the imperial ear. Few could be found willing to incur the hostility of a provincial autocrat, who had it in his power to ruin, and even to deprive of life. A pretense was readily found for hurrying the troublesome malcontent to a dungeon, where his presence would perhaps be unsuspected, his cries unheard; and ingenious tyrants, like Andronicus, the monster of Lybia, spent their leisure in devising new modes of torture, and adding new terrors to death. Deputies of the towns no longer met in annual convention to treat of local affairs, and to advise the provincial president. The governor, like Caesar, was surrounded only by his creatures. It was customary for the provinces, when honored by an imperial visit, to send a deputation to welcome the sovereign with offers of service and expressions of loyalty; but so slight was their faith in his sense of justice, so abject their fear of his satellites, that they dared not to speak, except in the most flattering terms, of the despot whom the prince had placed over them. Probus, the prætorian prefect of the Illyrian provinces, in the reign of the first Valentinian, was

notorious for rapacity. Ammianus says that, by his iniquitous exactions he scraped (*erasit*) the provinces which he governed, worse than the barbarians laid them waste. Yet when Valentinian passed through Sirmium, in his fatal expedition against the Quadi, the Illyrian deputies thanked the emperor in extravagant language for giving them so excellent a ruler. Valentinian, either delighted or surprised to hear his favorite minister so highly praised, asked whether the words he had heard were a voluntary message from his Illyrian subjects. Iphicles, the Cynic philosopher, who was the deputy from Epirus, frankly replied: "With tears and groans am I sent by a reluctant people!" Such intrepidity was, however, rare, and could only result in arousing the wrath, without disturbing the impunity of the impeached official.

The forms of self-government still existed in the *municipia*, but all real power was vested in the imperial lieutenants. The curial college, which included all property-holders of respectable estate, not members of the privileged orders, performed the ordinary business of a municipal council, but the sanction of the provincial governor was required to nearly every act or resolution. A building could not be erected, or municipal property alienated, or even a slave emancipated, without the governor's consent. The municipal system was nothing more than an instrument for the extortion from the people of the money needed to support the emperor and his court, his swarms of subordinates of every grade, and his standing armies. The members of the curial college were held directly responsible for the collection of all taxes due by the municipality, and were required to supply any deficiency from their private fortunes. Stringent laws were enacted to prevent the curials from evading the

burden imposed upon them. They could not sell their estates without permission from the governor, and they could not enter the army, or obtain a public office, until they had passed through every grade of municipal magistracy. They could not enter the ecclesiastical order without having previously conveyed their property to some one willing to assume their curial obligations, or having presented their property to the curial college. If a curial citizen furtively obtained entrance into the clergy, the army, or public office, he might be compelled by process of law to return to his former condition. Poverty alone could release the curial from the grasp of the tax-receiver, and the surveillance of the emperor's minions; unless, through favor or fortune, he was admitted to the ranks of the privileged. As municipalities fell into decay, curial responsibilities became more and more burdensome, and the government which imposed them more odious. While the value of property diminished, the demands of the revenue increased. Property was almost unsalable, for few had money to buy, and none cared to tempt, by an outward appearance of wealth, the avarice of imperial officers, or the cupidity of barbarian invaders.

The body of privileged individuals consisted of all public functionaries, whether employed in the palace or in the provinces, the army, or the clergy. The army included all the imperial troops, whether Palatines or Borderers, and the barbarian auxiliaries. While the great majority of the legionaries were recruited by conscription, there was also a class of hereditary soldiers, to whom, or to whose ancestors, lands had been granted on the condition of military service. The cohortal militia, an armed police, similar to the French *gendarmerie*, were likewise hereditarily bound to the service of the emperor, and exempt from curial burdens. I have

already spoken of the singular position held by the clergy in the Roman State. While prætorian prefects, patricians, dukes, and counts, were the creatures of the monarch's breath, the bishops were elected by the free vote of the people, and were the representatives and champions of the multitude. They hurled anathemas fearlessly against obnoxious rulers, and the influence of the Church sometimes compelled the prince to deprive an unfaithful minister of the trust he had abused.

It is reasonable to suppose that episcopal intercession had much to do with bringing about a tardy reform in the reign of Valentinian. Every municipality was allowed a *defensor*, or defender, to watch over the interests of its citizens, and to protect them against the injustice and oppression of imperial officers and their agents. The *defensor* was elected by the whole body of the people, including the bishop and the clergy; and he could appeal directly to the prætorian prefect from the act or decree of a provincial governor. The *defensor* gradually became the most important of municipal magistrates. In addition to acting as guardian of the people and their property, he tried criminal accusations of minor gravity, and private suits, when the amount involved was not very great. Sitting in the judgment seat, and surrounded by his curial associates, he represented the little that remained of popular dignity and independence. But while the iniquitous laws continued in force, and the prætorian prefects were as corrupt, venal, and tyrannical as their subordinates, the intercession of a *defensor* could be of but little avail.

The hard-working farmers of the country were not less oppressed than the property-holders of the towns. The produce of the soil was hardly sufficient to pay the taxes and support the cultivators. Official exactions became so

intolerable that vast tracts of fertile land were abandoned to the wilderness, and desolation reigned within a few miles of the gates of Rome. In the once fair and smiling region of the Campania, sixty years after the death of Constantine, three hundred and thirty thousand acres of untilled land—more than one-eighth of the whole surface of the province—were exempted from taxation, having been deserted by the former proprietors. This was before Italy had been ravaged by the barbarians.* The peasants thus driven from once happy homes either sought employment in the armies, or swelled the pauper multitude of the cities. In either case they became dependents upon imperial bounty, and served to increase the burdens borne by those who still struggled for self-support.

In Rome itself the extremes of profusion, extravagance, and luxury, were contrasted with vile and ragged poverty. Some of the richest senators enjoyed a yearly income from their estates of four thousand pounds of gold, (about eight

* Pliny, writing about A. D., 75, says: "Such is the happy and beautiful amenity of the Campagna that it seems to be the work of rejoicing nature. For truly so it appears in the vital and perennial salubrity of its atmosphere, in its fertile plains, sunny hills, healthy woods, thick groves, rich varieties of trees, breezy mountains, fertility in fruits, vines, and olives, its noble flocks of sheep, abundant herds of cattle, numerous lakes, and wealth of rivers and streams pouring in upon it."

W. W. N., in the *Philadelphia Daily Press*, recently described the present condition of this once happy region in the following language:

"It is almost impossible for an American mind to conceive that here, within twenty miles of Rome, the altar of the learning and culture of the world, there is a wilderness as silent, as savage, as desolate, as on the empty plains of our untrodden frontier, where buffalo and wild game range undisturbed, a sanctuary for criminals, if there were anything to tempt crime or plunder; a solitude that seems abandoned of man and of God. And it is a solitude, too, oppressive and stifling and appalling—for it is the silence of death and the grave, and not the stillness of the morning."

hundred thousand dollars), and Gibbon relates that in the reign of Honorius, more than one vain and popular noble celebrated the year of his prætorship by a festival which lasted seven days, and cost five hundred thousand dollars. Honorius himself is represented by the poet Claudian as wearing a purple robe incrustated with precious gems, and he appears to have outshone in costly and profuse display the most prodigal of his subjects. The palatial residences of the Roman nobility contained all the luxuries of a city, and the charms of a rural home. The floors were mosaics, usually black and white. The walls were adorned with rich paintings by the best artists of the age. In corridor and chamber the eye everywhere met exquisite pictures, representing architectural richness and beautiful landscapes, and the human form divine. Within the ample inclosure were pleasure-ponds, and streamlets with airy bridges, shady groves, arbors and fountains. Scores of slaves ministered to ease and amusement, as well as to necessity and luxury, and eunuchs attended upon women who inherited the pride, without the virtue, of ancient Roman matrons.

The mixed multitude of all races and climes who thronged to the circus and the gladiatorial arena, were fed even more liberally than in former times. Each poor citizen received, instead of a dole of corn, a loaf of bread weighing three pounds, either as a free gift or at a nominal price. Bacon was distributed during five months in the year, and oil and wine were sold on very liberal terms. The public baths were open to senator and pauper alike. The baths of Caracalla contained seats for sixteen hundred persons, and the baths of Diocletian for upward of six thousand. The most friendless beggar in Rome might lave his body in water that poured from mouths of solid silver, and repose amid stately pillars and vaulted apartments, the

remains of which command the admiration of the modern traveler. After the cruel combats of the gladiators had been abolished, the spectacles of the circus were continued, and the Roman mob was sometimes more excited over the result of a chariot race than the news of a barbarian victory or defeat.

Meantime the legions were degenerating in courage, in physical qualities, and in discipline. The exhausted provinces no longer afforded a constant supply of vigorous recruits. The standard of height was reduced in order to give admission to the motley throng of conscripts who were driven from the fields and the cities to the camp. These reluctant soldiers, being inferior in strength and endurance to the legionaries of Cæsar, Trajan, and Aurelian, were unable to carry the heavy weapons wielded by their forefathers. During the reign of the indolent Gratian, who, engrossed in the sports of the hunting-field, seemed to forget that he had an army or an empire, the legionaries began to lay aside the armor that had been worn by the conquerors of the world. The breast-plate was discarded, then the helmet. The short sword and the weighty *pilum* were exchanged for lighter weapons, and the almost defenceless soldiers were in at least a better condition for running away than they had been before. The Goths and the Alani adopted the armor which the Romans had put off, and the troops of the empire soon found that they were no match for enemies whom their more manly ancestors had been unable to subdue. The emperors concluded that it was cheaper to hire barbarians to fight their battles than to trust their fortunes to their own effeminate subjects, and northern warriors learned in the imperial service, the weakness and the wealth of Rome.

II. The long and disastrous reign of Honorius witnessed

the beginning of the dissolution of the western empire.* A boy born in the purple, assumed the imperial diadem at a time when he should have been taking lessons from a tutor, and when the empire which his father's valor had held together, needed an Augustus to govern it, a Trajan to defend it. Well-meaning, but weak and easily influenced, surrounded by parasites who magnified his virtues and veiled his faults, drugged by the flattery of nobles and the plaudits of a well-fed mob, the young Honorius was utterly incapable of averting the storm which impended over the west. Stilicho, a Vandal by blood, but possessed of military talents which won him a place among the greatest generals who ever led an army to victory, upheld for a season the majesty of the Roman name. When Alaric invaded Italy at the head of the Visigoths, in 402, Stilicho infused fortitude into the pusillanimous emperor, and prevented him from tarnishing the purple by a cowardly flight.† He defeated the Gothic chieftain in two bloody battles, and forced him to retire to the dominions of Arcadius. He compelled the hordes of Radagaisus to surrender under the walls of Florence, put their leader to death, and sold the multitude as slaves. Prudent as well as brave, he subsequently counseled a compromise with Alaric, when he felt that the empire was too feeble for an encounter with the formidable host which had gathered to the standard of the Gothic king from Sarmatia, Scythia, and the German forests. The intrigues of courtiers, jealous of the fame and influence of Stilicho, succeeded in poisoning the mind of Honorius against the

* When Theodosius died, (January 17, 395), he bequeathed the eastern empire to Arcadius, his elder son, and the western to Honorius, who was then but eleven years old, and who had in the previous year, been elevated to the dignity of Augustus.

† The imperial court was about this time removed from Milan, which was comparatively defenceless, to the strong city of Ravenna.

only commander who was capable of supporting his throne, or who deserved, in that degenerate age, to be called a Roman. With the consent, and at the instance of the master whom he had faithfully served, Stilicho was led from the sanctuary in which he had taken refuge, and slain by the hand of a noble assassin. He was branded as a public enemy, and his estate confiscated to the use of the imperial treasury.

The storm then burst in all its fury upon the defenceless empire. The murder of Stilicho, and the treacherous massacre of the wives and children of the barbarian auxiliaries, alienated thirty thousand of the best soldiers in the Roman army from their allegiance, while the contemptible and vacillating policy pursued toward Alaric converted a nation, which might have been used as a bulwark against other barbarians, into a bitter and revengeful foe. Alaric, at the head of an irresistible horde of Visigoths, and allied bands from the forests of Germany, and the wastes of Sarmatia, and the dreary deserts of Tartary, advanced to the gates of Rome, driving before him a throng of affrighted and ruined fugitives. The Gothic leader laid close siege to the city. The stores of provisions were soon exhausted, and hunger invaded the palaces of the rich and the tenements of the poor. All classes were obliged to resort to food from which, at other times, they would have turned with disgust and abhorrence. Multitudes perished of starvation, the living preyed upon the emaciated bodies of the dead, and it is asserted that mothers, the strongest and tenderest instinct of their breasts smothered by misery and famine, sustained their existence with the flesh of their helpless offspring. The coarsest eatables were more precious than gold, and the wealth of a senator could not save his household from want. In the

frenzy of despair the minds of the people reverted to the gods who had, according to hallowed tradition, more than once delivered Rome from foes as terrible as the Visigoths. The superstition so deeply implanted in the Roman nature, and so conspicuous on every occasion of danger throughout the pagan period of the republic, found voice in a motion to propitiate the ancient deities with a public and solemn sacrifice. The impious proposition was, however, rejected, and a scene was prevented which would have shocked even the barbarian besiegers. At length the citizens, subdued by suffering, and hopeless of relief, made an offer of capitulation. The haughty Goth received the Roman messengers in a manner expressive of his knowledge of their weakness, and his contempt for their cowardice. He insisted upon the surrender of everything but their lives. To the threat that he might have to face a multitude reckless of death, and animated by the energy of despair, he replied: "The thicker the hay, the easier it is mowed!" Finally Alaric consented to ransom Rome for five thousand pounds of gold, thirty thousand pounds of silver, four thousand robes of silk, three thousand pieces of fine scarlet cloth, and three thousand pounds of pepper. He then retired to winter-quarters in Etruria.

Apparently unimpressed by the most signal and disgraceful humiliation that had marked the history of the empire, the court of Ravenna persisted in its irresolute and treacherous course toward the Visigoths. The impatient temper of Alaric was again aroused, and he resolved to overthrow forever the Theodosian dynasty in the west. The faces of his men were turned once more toward the Tiber, but, instead of attacking the city, he captured the port of Ostia, and the granaries in which were stored the corn and other provisions for the support of the

Roman populace. A threat to destroy the stores on which the citizens depended for their daily bread brought the Romans to terms of surrender. Alaric nominated Attalus, prefect of Rome, to the imperial dignity, and the new prince was solemnly invested with the diadem and the purple. Attalus appointed Alaric master-general of the western empire. Almost all Italy submitted without resistance to the Goths, and Alaric led Attalus to the very gates of Ravenna. So hopeless did the cause of Honorius appear, even to that prince himself, that he offered to share his territories with his rebellious subject. Alaric received the proposition with disdainful scorn, and declared that if Honorius would instantly abandon all claim to the sovereignty he would be permitted to pass the remaining years of his life in peace on some secluded island. Jovius, the prætorian prefect, and Valens, the master of horse and foot, deserted Honorius in his hour of distress, and the emperor already meditated flight to the court of his nephew in the east, when several fortunate occurrences changed the aspect of affairs.

A force of troops sent by Attalus to reduce Africa under his dominion, was routed by Count Heraclian, a faithful adherent of Honorius, and about the same time four thousand trustworthy veterans landed in Ravenna. Alaric became disgusted with his puppet emperor, and deposed him as easily as he had promoted him. Attalus was despoiled of the imperial insignia in presence of the Gothic army, and craved and was accorded permission to follow in the train of his former master-general. The moment was favorable for negotiation; but Honorius grew insolent with the partial return of prosperity. The ministers who had deserted their sovereign's cause in the hour of peril, were again admitted to his confidence. They claimed

that, like Hushai the Archite, on a similar occasion, they had joined the usurper only in order to bring his counsels to naught, and Honorius apparently believed them. They magnified the successes which had attended the Roman arms, and led the weak-minded prince to imagine that in his person would be restored the ancient splendor of the purple, and that his victorious legions would again compel the nations to acknowledge the majesty of Rome. A herald proclaimed in the streets of Ravenna that the guilt of Alaric had forever shut him out from the friendship and alliance of Honorius, and no opportunity was lost to insult and harass the barbarians. The Gothic king resolved to wreak upon Rome the vengeance from which the strong ramparts of Ravenna protected his imperial foe. A rapid march brought him to the gates of the doomed city, almost as soon as his purpose was suspected, and treachery admitted him within the walls, on the night of August 24, 410.

All that Rome contained of wealth, of beauty, and of sanctity, was at the mercy of the Goths, and Alaric was but little inclined to curb the fury, or restrain the lust of his followers. He spared, indeed, the sacred treasures of the churches, and guarded the sanctuaries from the hand of the spoiler. But every profane building was ransacked, every dwelling explored. The palaces of the nobility were plundered of their rich plate, their massive ornaments of gold and silver, their costly gems, and garments of silk and purple. Rude warriors roamed through the stately corridors, and gazed with curious eyes at the rural scenes, the lovely faces, and the classic forms depicted by the artist's brush upon the marble walls. Grand monuments of human genius and human labor were destroyed in the greedy search for the precious metals. Statues were

dragged from their pedestals, and stripped of their golden decorations, and neither art nor antiquity were respected by the pillagers. Barbarians trod in the arena where, but a few years before, their fathers and their brothers had been compelled to slaughter each other "to make a Roman holiday;" where many a brave gladiator from the German forests had seen his appeal for life denied by the populace with upturned thumbs. Thousands of citizens perished at the hands of the Goths and their savage allies, and thousands of others were struck down by their own slaves, who seized the opportunity to retaliate for cruelties inflicted by harsh and unfeeling masters. Venerable senators and patrician youths were exposed for sale to the highest bidder, and were bought by friends who feared to disappoint the cupidity of their captors. Tender virgins offered their necks to the sword rather than yield their honor, and delicate matrons and timid maidens embraced the knees, while they implored the clemency of the conquerors. But the brutal passions of the warrior were seldom overcome by his admiration for heroic, or his pity for helpless virtue, and little that was chaste in Rome escaped the polluting finger of lust.

Sated with debauchery, and loaded with plunder, the Goths departed from the ravaged and prostrate city, carrying with them Placidia, the daughter of Theodosius the Great. They marched through southern Italy, cutting a wide swath of devastation, and were about to cross over to Sicily, when Alaric suddenly died. The expedition terminated with the life of its mighty leader. His successor, Ataulphus, entered into an alliance with the court of Ravenna, and cemented the union by making his imperial captive, Placidia, the queen of the Visigoths. Ataulphus retired from Italy into southern Gaul, and gained possession of that country from the Mediterranean to the ocean.

III. The measures which Honorius adopted for the relief of his subjects, might at an earlier period in his reign, have been hailed with gratitude and delight; now they were received with apathy and indifference. The districts which had been laid waste by the Goths were relieved almost entirely from the payment of taxes for a term of five years, and even the small amount of tribute levied was applied to the support of the public posts. Strangers were invited to take possession of deserted and uncultivated lands, and were promised protection against the former possessors. The citizens of Rome were encouraged to restore their shattered homes, and large supplies of corn and other provisions were imported for the use of the multitude. Wealth continued to pour in from the patrimonial estates of the Roman nobility; commerce still brought the choicest products of every clime to the markets of the imperial city, and labor, guided by skill and genius, soon obliterated nearly every vestige of the Gothic invasion. The circus was again thronged with pleasure-loving Romans, watching the chariot-races with all the eager intensity that in a more fortunate age had earned the satirical censure of Juvenal.*

Honorius, unable to guard the frontiers of Gaul against the incursions of barbarian hordes, endeavored to unite the inhabitants of that region in defence of themselves and of

*—"Methinks I hear the cry—*Away, away.*
The Green have won the honour of the day.
 Oh! should these sports be but one year forborne,
 Rome would in tears her loved diversion mourn:
 And that would now a cause of sorrow yield,
 Great as the loss of Cannæ's fatal field."

Sat. XI. 193. (*Congreve*).

The charioteers were divided into four factions or companies: the Green, the Red, the White and the Blue, or Sky-colored. Domitian

the empire. He summoned the higher officials, and more opulent proprietors of land, in the seven provinces of Gaul to meet once a year at Arles, under the presidency of the prætorian prefect. The duties of the assembly were to interpret and communicate the laws of the sovereign, to bring to the imperial attention the grievances and the aspirations of the people, to equalize the weight of taxation, and to deliberate upon every subject which concerned the prosperity and welfare of the several provinces. The annual session lasted for twenty-eight days—from the fifteenth of August to the thirteenth of September. Members who failed to attend were liable to a fine of three pounds of gold. The assembly included the provincial governors, the leading ecclesiastics and magistrates, and a large proportion of wealthy citizens who had a stake in the well-being of the country whose interests they were expected to defend. It is a singular evidence of the vitality of representative institutions that the assembly thus constituted survived for many years the rage of barbarians and the oppression of military usurpers, and was powerful and influential enough to elect one of the later emperors of the west. Thus despotism in the agony of dissolution relaxed its grasp, and allowed the revival of rights which ages of oppression had rendered useless and worthless to a decayed and sinking people.

added the Golden and the Purple, but these afterward went out of fashion.

In later years the empire was convulsed by the rivalry between the factions of the circus. Under the reign of Justinian, riots broke out in Constantinople, and blood was shed in combats between those who adhered to the Blues, and the opposite party of the Greens. The emperor himself was an avowed admirer of the Blues. The spirit of partisanship extended even to the judicial bench, and its magistrates were prejudiced in their decisions by the colors which the suitors before them respectively favored.

The barbarians, first opposed as enemies, then tolerated as subjects, and now virtually acknowledged as the masters of the empire, were rapidly seizing upon the fairest regions of western Europe, and but for the hot rivalry which existed between the various nations, and which enabled the crafty Romans to array them one against the other, the imperial government would have crumbled before their formidable hosts like a palace of cards. In Italy and Africa the emperor was still a Cæsar; beyond the Alps his authority fluctuated with the humor of the chieftains who owed him nominal allegiance, and with the number and fortunes of the rebellious generals who assumed the vain honor of the purple. While Africa remained faithful, the populace were assured of their daily bread, and the nobility of the means to expend in luxury and show. The store-houses of Ostia were replenished from the overflowing abundance of that fertile region, and many wealthy citizens lived in grandeur on the incomes from their African estates. Italy and Africa were a patrimony of which even Cæsar might be proud, and the lustre of the imperial diadem cannot be said to have waned while the former dominions of Carthage acknowledged the supremacy of Rome. The standards of the two empires still floated without a rival over the Mediterranean, from the pillars of Hercules to the shores of Palestine, and the islands of that sea were as yet unvisited by the corsairs of the north. Such was the condition of the Roman world when Honorius died in 423, after a disastrous reign of twenty-eight years and eight months.

Another general now rose to prominence and leadership in the west. Ætius was the son of a Seythian father, and a noble Italian mother. His father had attained distinction in the service of the empire, and his mother's influence procured for the son a place in the imperial body-guard. In

Ætius were combined military talents of the highest order with an utter lack of principle and of patriotism. His victory over the Huns on the plains of Champagne, (A. D., 451), deservedly gave him a rank among the great captains of the ancient world, while his base treachery toward Count Boniface, which led to the invasion and conquest of Africa by the Vandals, added to other acts equally infamous, if less far-reaching in their effects, earned for him the peculiar odium which attaches to the names of Cataline, of Ætius, and of Arnold. While it is impossible to withhold our admiration of the tremendous exploits of him who has been called—erroneously, I believe—the last of the Romans, yet no man whose heart is loyal to his own native or adopted land can view without abhorrence a career so blotted by ingratitude, perfidy, and treason. For nearly thirty years Ætius made himself terrible alike to the emperor and to the enemies of Rome. Soldiers of fortune flocked from every quarter to the standard of a general who would lead them to victory and to plunder, and barbarian hordes sought the honor of serving under a commander whom repeated defeats had taught them to regard as invincible.

Ætius, not content with the glory of defending, was ambitious to rule the empire. He held in contempt the voluptuous Valentinian, in whom the virtues of the Theodosian line seemed to be extinct, its vices exaggerated. Reared in the purple from infancy, the youthful prince abandoned the irksome task of government to ministers and favorites, while he devoted himself to the pursuit of pleasure, and the indulgence of his vilest passions. The splendid achievements of Ætius reflected glory upon the throne of his master, but it was apparent to Valentinian, as to the world, that he was a master but in name, and that his general towered far above him in the estimation of his

subjects. Foiled in an effort to get rid of Valentinian by treachery, Ætius appears to have boldly assumed the imperial title, for a coin is extant bearing the inscription: "*Ætius Imperator Cæsar.*" The facts in regard to this usurpation are obscure. It is known, however, that at a personal interview between Valentinian and Ætius, the prince, with his own hand, stabbed the general to the heart.

Valentinian himself was soon afterward murdered at the instance of Petronius Maximus, a distinguished senator, whose wife he had basely ravished, and the murderer was elected by the voice of his fellow-senators to the vacant throne. (A. D., 455.) Such was the ignominious end, in the west, of the dynasty founded by the great Theodosius. Eudoxia, the widow of Valentinian, herself a daughter of the same illustrious house, was compelled to accept the embraces of her husband's assassin. Animated by a passionate desire for revenge, she secretly invited Genseric, the Vandal king, to invade Italy, and strip Maximus of his blood-stained purple. The invitation was readily accepted by a prince who regarded with covetous eyes the wealth of imperial Rome, and a swift-sailing fleet speedily conveyed an army of Vandals from Carthage to the Tiber.

Rome had long before recovered from the ravages perpetrated by the Visigoths and their barbarous allies, and although the loss of Africa had been a severe blow to her prosperity, her nobles were still wealthy, her churches and palaces rich in valuable treasures. A new generation had grown up during the reign of the weak and licentious Valentinian. Indolent, profligate and corrupt, the people were worthy of their sovereign. But few possessed the least singleness of purpose or purity of heart. The capacity which might have served the State was bent on the

pursuit of personal gain, and the multitude, unless goaded to madness by some wanton act of despotism, seemed to be absorbed in the enjoyments of the hour, and indifferent to the dangers which environed the empire.

The Vandals were less merciful than the Visigoths, although the captured city did not provoke their rage by resistance. They did not spare even the churches. The sacred vessels and the precious ornaments of gold and silver were plucked from the altars. The golden candlestick with seven branches, which had been taken from Jerusalem by Titus, when he destroyed the temple, was added to the spoil. The work of pillage lasted for fourteen days and nights, and the hideous hordes of Attila "The Scourge of God," could not have ransacked more thoroughly. The intercession of the pontiff Leo saved the city from the culminating horror of incendiarism, and Rome was spared the fate which her victorious legions had inflicted upon conquered Carthage. When Genseric retired to his fleet, he carried with him a numerous throng of captives, including the empress Eudoxia and her two daughters.

The condition of affairs in the provinces had grown worse and worse during the reign of Valentinian. The office of *defensor*, or defender, had fallen into decay in the municipalities, and the taxpayers were entirely at the mercy of venal and extortionate magistrates. Officials were in but little danger of being called to account for rapine and oppression, for the central despotism was too weak to exercise more than nominal control over its agents. The governors of provinces—especially those exposed to the attacks of barbarians—were virtually independent, and levied forces, and exacted tribute, with all the authority of princes. It was also common for the emperor, or the prætorian prefect, to appoint an extraordinary commission

to collect taxes, instead of leaving the duty in the hands of the regular officers. The members of such commissions were far more tyrannical and cruel in their exactions than ordinary tax-gatherers. Not content with demanding the amount for which a property-holder was assessed, they refused to accept payment in the current gold of the empire, and called for ancient and rare coins; the object being to compel the taxpayer to compound with them by paying in current money a sum in excess of that which was really due. Of course the excess went to enrich the tax-commissioners. The inhuman penalties for the evasion of taxation were severely enforced, and citizens were cruelly tortured, and even put to death, because they failed to satisfy official greed. Many members of the curial class, who, as previously stated, were held responsible for the taxes due by their municipalities, fled into exile, and hid themselves in obscurity and solitude from the rapacity of their persecutors. Citizens who had been industrious and law-abiding, abandoned their barren toil, and rose in insurrection against their oppressors. These unfortunate men, whose only crime was their poverty, were denounced as outlaws, and hunted down like wild beasts.

The reign of Avitus was too brief for that prince to effect any reforms, even had he been so inclined. Called to the imperial dignity by the assembly of the provinces of Gaul, his election was approved by the Roman Senate, and he was invited to reside in the capital. Although he had conducted himself well in an important provincial capacity, as an emperor he plunged into debauchery, and soon made himself both odious and contemptible. He was deposed by Ricimer, a high military officer of mixed Gothic and Suevian blood, who, by a signal victory over the Vandals, had acquired a preponderant influence in the State.

Majorian, the successor of Avitus, may truly be called the last of the Romans. He was of honorable descent, and had attained by his valor and merit the high rank of master-general of cavalry and infantry, when summoned by Ricimer to assume the imperial dignity. He was invested at Ravenna with the diadem and the purple. In a letter to the Senate he recognized the ancient right of that body to elect an emperor, and ascribed his promotion to their suffrages and to the voice of the legions. He asked the Conscript Fathers to assist him in making "justice resume her ancient vigor, and virtue be not only innocent, but meritorious." He granted a universal discharge of all arrears of tribute, and of all demands of any kind which the fiscal magistrates might claim to be due from the people. He abolished extraordinary commissions for the collection of taxes, and he relieved the curial citizens from their responsibility for the payment of the whole sum assessed in their municipalities, making them responsible only for the amount actually received. He called the municipal corporations "the heart of the cities and the sinews of the republic," adding: "So low are they now reduced by the injustice of magistrates and the venality of collectors, that many of their members, renouncing their dignity and their country, have taken refuge in distant and obscure exile." He earnestly appealed to the fugitives to return to their cities, and engaged that they should thenceforward be free from the grievances which had driven them from their homes. He revived the office of *defensor*, or defender of cities, and exhorted the people in every municipality to elect some man of discretion and integrity to assert their privileges, and to carry their complaints to the imperial court. He also revived, in a modified form, the old Roman laws, which made matrimony honorable, and

celibacy an offense against the republic. He enacted that maidens who desired to consecrate their virginity to Christ should not do so until they had arrived at the age of forty years, and that widows, under that age, should form a second alliance within five years, under penalty of forfeiting half of their wealth to their nearest relatives, or to the State. He also prohibited the destruction of ancient edifices under very severe penalties, and imitated Titus and Trajan in suppressing the detestable class known as *delatores*, or informers.

Stimulated by the words and the example of their monarch, the Romans seemed to recover for the time something of their ancient spirit and ambition. The spectacle of a Roman emperor marching once more at the head of his legions, and gaining victory after victory over barbarians, was indeed well calculated to inspire new life in the indolent, and animate the despondent. Majorian aimed at nothing less than to restore the ancient boundaries of the Roman dominions, and all the resources at his command were applied to the mighty undertaking. He defeated the Vandals, humbled the Visigoths, and reconquered Spain. He resolved to crush the Vandal power in Africa, and make the north-western region of that continent again the granary of Rome, instead of a nest of pirates. He collected three hundred galleys in the harbor of Carthage, to transport his army, but treachery enabled the Vandal monarch to surprise and destroy the fleet.

Ricimer who had long been jealous of Majorian's military fame, induced the soldiers to mutiny against their emperor, and he was compelled to abdicate (August 2, 461). Five days afterward Majorian died a natural death, or was murdered. Thus perished the only man who was capable of staying for a time—perhaps indefinitely—the decline of the western empire.

The reforms introduced by Majorian were gradually obliterated, and his conquests alienated; barbarian chieftains, no longer held in subjection by the terror of a mighty name, renounced allegiance; commanders asserted their independence; the fleets of the Vandals ravaged the coasts, and the emperor possessed nothing more than a shadow of authority beyond the limits of Italy. Upstart adventurers controlled the army and the Senate, and set up and deposed at will the phantom princes who wore the awful names of Augustus and *imperator*. At length the Romans became weary of a government which, without possessing the vigor and strength, exercised the tyranny of a despotism, and the Senate, at the dictation of the barbarian Odoacer, addressed a memorial to the Byzantine court, in which they disclaimed the necessity, or even the wish of continuing any longer the imperial succession in Italy, and, in their own name, and in the name of the people, consented that the seat of universal empire should be transferred from Rome to Constantinople.

CHAPTER XVII.

A NEW ITALIAN NATION FORMED.

- Part I.—The Ostrogoths in Italy—Beneficent Rule of the Great Theodoric—Growth of a New Race—Italy Young again—Byzantine Supremacy—Abolition of the Roman Consulship—And of the Roman Senate—Impoverishment of the Roman Nobility—Desolation in the Neighborhood of the Capital.
- Part II.—The Lombard Invasion—Introduction of Feudalism—Serfs—Landlords—Provincial Rulers—The King—The General Assembly—Provincial Assemblies—The Count of the Palace—The Municipal System Revived under the Shadow of the Byzantine Empire—The Lombards become Amalgamated with the Ancient Inhabitants of Northern Italy.
- Part III.—Subjugation of the Lombard Kingdom by the Franks—Institutions of the Frankish Empire—Origin and Growth of the Feudal System—The National Assemblies of the Franks—The Empire of the West Revived—Charlemagne Models his Court after that of the Later Roman Emperors—The Imperial Revenues—The Serfs of the Treasury—National Laws—Causes of the Decline of the Frankish Empire—The Great Feudatories become Independent—The Powerful Nobles of Italy—Rivalry for the Iron Crown—Otho, of Germany, Invited to Assume the Sovereignty.

I. The establishment of the Gothic dominion in the peninsula, under Theodoric, was far from being a calamity either to Italy or to civilization. The new-comers were a Christian and enlightened people, superior in almost every manly quality to the effete and enervated nation whom they subdued. Instead of enslaving the inhabitants, they mingled with them, imparted fresh vigor to a worn-out race, and infused new life and energy into the prostrate commu-

ities. Theodoric divided among his warriors a portion of the lands of Italy, which they held from their king on the ancient German tenure of military service. The Goths were allowed to select their shares from the estates of the Romans, instead of being compelled to rescue waste and abandoned lands from the wilderness; but it was provided that no Roman should be required to surrender more than one-third of his inheritance. It is not clear whether the Goths tilled their possessions, or whether the Roman husbandmen were obliged to hand over to their masters one-third of the harvest. Whatever may have been the way in which the original proprietors of the soil supported their conquerors, it is certain that Theodoric designed the Goths to be the military and ruling class, while he reserved for the Romans the cultivation of the arts of peace. He even forbade the Romans to carry arms—a prohibition which seems to indicate the revival of a martial spirit among the ancient inhabitants of the country. The forms of the republic were permitted to exist. Consuls were appointed, the Senate, which was still a council of the wealthiest and most eminent Romans, passed upon suggestions submitted by the sovereign, and the various civic magistrates discharged the functions appertaining to their offices. The imperial posts were re-established, commerce and manufactures were encouraged, and royalty became the munificent patron of art. A portion of the annual revenue was set apart for the preservation of the monuments of antiquity, already crumbling before the assaults of the lime-burner and the builder.* The populace were supplied with food, and entertained with the sports of the circus, and everything went on as if Cæsar yet reigned in Rome. The subjects of Theodoric

* For hundreds of years past, and even to this day, the lime-kilns in the neighborhood of Rome have been supplied with sculptures from the ruins of ancient buildings.

enjoyed the rare blessings of peace and prosperity at a time when Europe was convulsed by the rivalry of barbarous chieftains, fighting over the fragments of the Roman empire.

The Gothic dominion lasted long enough to lay the foundation of a new nationality. The distinctions formed by Theodoric gradually disappeared, the conquerors intermingled with the conquered, and a mixed race sprang up in which were united the intellectual endowments of the Roman with the stalwart frame and the courage of the Goth. Italy was young again, and even in the swaddling period of its second growth were discernible those endowments which, within a few centuries afterward, made the peninsula once more the centre of wealth, of culture, and of art.

The temporary restoration of Byzantine rule in Italy was marked by the abolition of the titular dignity of consul at Rome, (541) and the extinction of the Roman Senate (about 552). Five times during the reign of Justinian Rome was captured and re-captured by contending armies. The nobility, decimated by war, impoverished by the loss of their estates, deprived even of the splendid but empty titles which for centuries had been the chief object of Roman ambition, fell into poverty and obscurity. The city shrank far within its ancient bounds, and the neighborhood of Rome was abandoned to ruin and desolation. Mutilated statues, like voiceless sentries, stood guard along the Appian Way, and Ostia, once an actual suburb of Rome, connected with the imperial city by a line of villas, the homes of refinement and luxury, became, as it is to-day, the centre of a malarial wilderness, where the wild dog, scared from its den amid the broken marbles of palaces, growls at the unwonted intrusion of a human being.

II. The Lombards who descended into northern Italy under king Alboin, in 568, were a valuable addition to the mould of Italian nationality. They had been prominent among the German tribes, about the beginning of the Christian era, and aided Arminius in his uprising against the legions of Varus. They soon afterward disappeared from the sphere of Roman observation, and preserved in barbarous obscurity, far from the contaminating influences of the frontier, the primitive virtues of their race. They emerged from the wilderness in the fifth century on the northern bank of the Danube, and slowly and steadily fought their way through hostile nations until they reached the Julian Alps, from whose summit they looked down upon the fruitful plains of Friuli. The new-comers were stalwart in frame, their complexion fair, their eyes blue, and the expression of their countenances singularly frank and open. In their dispositions savage courage was mixed with noble generosity. They were merciful to the unresisting, and blended with, instead of exterminating, the inhabitants of the land. The conquered territory was divided among the Lombard warriors, each soldier receiving a certain portion, on the condition of performing military service whenever called upon. The former proprietors of the soil continued in actual possession, but were reduced to a state of villenage. They cultivated their fields as before, but were required to deliver one-third of the produce to the landlord. They had no voice in public affairs, and their condition deteriorated with the progress of years, until they came to be regarded as little better than serfs, *adscripti glebæ*. The soldier, or landlord—for, according to Sismondi, the two terms were synonymous among the early Lombards—owed fealty in turn to a leader, or duke, who was the ruler of a

district, or province, and both duke and freeman owed allegiance to the sovereign.*

The general assembly of freemen elected the king, and acted as a high court in judging crimes of a grave nature. The meetings of the assembly were held twice a year, in summer and in autumn, and every freeman holding his property directly from the king was considered bound to

* "When the Lombards conquered Italy," says Sismondi, "these free, valiant and independent men, who carried on war for themselves and not for a master, divided their conquests into as many fiefs as there had been warriors in the expedition. They, however, recognized the advantage of military discipline, and preserved to the army its form and subordination in the establishment which was to make of them a new people. They gave to their captains the titles of dukes or generals, and confided to them the government of the cities, with the prerogatives of lords paramount over the surrounding territory; they all retained for themselves the name of soldiers, *militēs*, and every individual obtained the feudal property in a portion of the territory of a city, or of the castles and villages which depended on it. Thenceforward the word *miles* was used to designate a gentleman rather than a soldier. A full title in the landed property belonged to the gentlemen alone. Below them, the husbandmen, their vassals, (the Romans) whom they had dispossessed, and whom they forced to labor on their account, and to render to them the third part of the harvests, were in a condition approaching slavery.

In a higher rank, the authority of the dukes, attached to the maintenance of a certain social order, only reposed on a fiction of property, or an imaginary right to estates and provinces which those chiefs did not really possess. However the same system formed the security of the duke and the gentleman; it equally sanctioned the obedience of the vassal and of his lord. During several centuries the dukes were powerful by reason of the strength of the gentlemen who were subordinate to them. In ascending the feudal scale, the king, placed above the dukes, ought to have had the same authority over them as the dukes had over the gentlemen. But, if the right of property of the great vassals over an entire province was only a fiction of the law, the right of property of the kings over a kingdom was a fiction still further removed from the reality; and since the stability of power was connected with territorial riches, the power of the gentlemen over their vassals must have been absolute, that of the dukes precarious, and that of the king almost null."

attend ; but, if his home was too remote from the place of assembly for him to attend conveniently, he might go to the provincial court held by the Count of the Palace in the name of the sovereign. The Count of the Palace was the principal minister of justice ; to him belonged the right of convoking the national assembly in any part of the State he might see fit ; in the absence of the king he presided over the assembly, and, when public business was disposed of, he heard and decided causes in the king's name. Each great feudatory also had his assembly, at which all holding from him were bound to be present, and in which he presided and directed, just as the sovereign did in the national body ; and the dukes rivaled their king in the strength of their following, and in the grandeur of their courts.

The Lombards, being unskilled in the art of war, were unable to storm fortified places. The towns of the interior were compelled, by the slow process of starvation, to open their gates, but Rome, Gaeta, Naples, Amalfi, Pisa, Genoa, Ravenna, and other cities, either situated upon, or in secure communication with the coast, were able to resist attack, and maintained a nominal allegiance to the court of Constantinople. The citizens were, however, virtually independent, and new life and vigor were infused into the old Roman municipal system, so long abused by autocracy for the oppression of the people. The *curia* became once more a council of administration, governing the city with a view to the best interests of the tax-paying inhabitants. The Byzantine emperor, content to retain the appearance of an authority which he was impotent to enforce, made no claim for tribute, and merely appointed a *dux*, from among the citizens of each municipality, to act as chief magistrate, command the militia, and dispense justice. The *dux* was

usually, if not invariably, a person nominated by the citizens. Thus the municipal system, having survived the decay of Rome, and the downfall of the western empire, was again applied to the purpose for which it was originally designed. Liberty flourished under the shadow of a corrupt and declining despotism, and the republics of Naples, Gaeta, and Amalfi, attained a high degree of opulence and of influence. Those almost forgotten communes upheld their independence for ages against the assaults of Lombards and of Saracens, and it was not until the twelfth century that they yielded, after a long and honorable struggle, to the warlike superiority of the Normans.

During the two centuries of Lombard supremacy, society was continually fluctuating, and individuals were constantly passing from one condition into another. The feudal system still remained paramount, but many land-owners sank into poverty, while many of the lower order were elevated, through their talents or good fortune, to wealth and honorable position. The Lombards became amalgamated with the Romanized Gauls, Lingurians, and Veneti, and a new nation was formed, in which were combined the physical strength and fair complexion of the Germans, with the intellectual ability and restless energy of the Italians.* The Lombards advanced rapidly in civilization, and learned to look upon their neighbors beyond the Alps as barbarians. Trade and commerce flourished under the protection of law, and even the arts

* M. Galiffe, a Swiss traveler, in his "Italy and its Inhabitants," says, "There is no nation so like the English as the Lombards. Their features have that general uniformity of style which characterize a peculiar race of men. The nose is straight; the under lip retired, or smaller than the upper one; the complexion fair; the eyes and eye-brows strongly marked and expressive; the forehead high and noble, and divided exactly in the middle by a vein which becomes distended and

were not neglected. The compound race of Goths and Romans retained the middle regions of Italy, even those parts which acknowledged Lombard rule, and the southern coasts remained in nominal subjection to the Byzantine emperors.

III. The subjugation of the Lombard kingdom by Charlemagne did not add any new element to the composition of the Italian people. The Franks were a conquering, not a colonizing race, and they gave Italy rulers, without interfering with the condition of the inhabitants. The institutions of the Frankish empire were of a similar character to those of the Lombards. Each territory was visible on every strong emotion; the hair of a light brown; the general expression of the countenance gentle, mild, and open. I have traveled a great deal, and have not merely visited, but have resided in many countries; but nowhere have I met with a more amiable people than the Milanese. They have all that vivacity of imagination, all that liveliness in their exterior appearance, which one expects to find in Italians, without the least mixture of that low cunning with which the Italian nation is so universally reproached. The character of the Milanese is frank and open; they are more cordial than complaisant, and their civility is blunt and hearty, yet graceful." Of the people of Brescia the same traveler remarks: "It is impossible to imagine a more beautiful race than the population of that city and its neighborhood. Raphael's most sublime conceptions of ideal beauty fall short of the living specimens which engaged our admiration in Brescia and in the road to Verona. I am persuaded that I saw a greater number of handsome women in that space than I had seen in all Europe beside; and many of them were more exquisitely beautiful than any individuals I had ever met with. What peculiarly characterizes their style of beauty is the commanding nobleness of their countenances, mingled with a degree of mildness and candor."

A recent traveler, (W. W. N.,) in the *Philadelphia Press*, says regarding the Venetians, who are largely of Lombard descent:

"The moment you enter this town you meet everywhere, at random among all classes, perhaps most noticeably among the poorer, that beautiful female face which is the glory of Venice, and which her painters have made immortal—a soft sea-shell complexion of delicate loveliness, Titian eyes, and a wealth of golden blonde hair."

governed by a duke or a count, appointed by the monarch from among his trusty associates, and these officers were invested with the limited possession of feudal domains, known as benefices. A benefice was originally a piece of landed property, of greater or less extent, conveyed by the king to his vassal upon certain conditions, and reverting to the monarch at the end of a lifetime or a fixed period, or upon the failure of the beneficiary to perform the duties which he owed to his lord. The obvious tendency of such a tenure was to become hereditary in the family of the holder of the benefice, and such was the result, for from the custom of granting benefices, which was instituted by the Frankish kings with a view of giving substance, power and strength, to those in whom they confided as agents in governing their provinces, grew the feudal system, under which great landholders, having appropriated the benefices as a hereditary possession, became the virtually independent sovereigns of their territories, while the crown was helpless to enforce its nominal authority.

The great landed proprietors, both those who were incumbents of benefices, and those who were proprietors in their own absolute right, had their favorite and faithful retainers, to whom they likewise granted benefices, and many small allodial proprietors were compelled, in the pursuance of a custom almost universal among the Germanic nations, to choose a lord, and to do homage to him for their estates.* Lands, both benefices and allodial, were leased by their owners under various conditions in regard to payments

* The word "allodial" is of the same derivation as our Anglo-American word, "lot," (from *loos*, lot) and has a similar meaning. Allodial lands were lands allotted at the time of the conquest of a country, and such lands being held in absolute proprietorship, the term came gradually to be applied to all lands owned in absolute right.

of rental and the reservation of rights, and these lands came in course of time to be considered the property of the occupants, though still burdened with the original conditions. Thus society among the Franks consisted of four different classes: the proprietors of allods holding their land in absolute right, and owing to the monarch only that general homage due from every subject; the proprietors of benefices, who were dependent upon the king, or the noble from whom they held their property; the occupants of lands called tributary, who paid certain rents and services, and the serfs who were attached to the soil.

The Franks, like the Lombards, had their national assemblies, which, however, were of a very different nature under Charlemagne from the assemblies of warriors held in the freedom of the forest. Charlemagne summoned the great nobles, the lesser land owners, and the leading ecclesiastics of his empire, to meet him once a year in the spring. He required from his governors and other official agents a strict account of the condition of their provinces, and of the disposition and welfare of the people under their charge. He also submitted for the consideration of the chief men of the realm such amendments as he desired to make in the existing laws, and "the result of their deliberations," says archbishop Hincmar, "was placed before the eyes of the great prince, who then, with the wisdom which he had received from God, adopted a resolution which all obeyed."* The meeting, if the weather was fine, was held in the open air; but, if unfavorable, within the shelter of walls. The nobles and the clergy met in one building, which was divided into two parts, so that the two estates did not mingle together. An exclusive assembly was held

*See Guizot's *History of the Origin of Representative Government in Europe*.—Lecture XX.

near the close of the year, at which the councillors of the monarch and the chief nobles of the kingdom were present. At this assembly provision was made for the maintenance of public tranquility, for defense against enemies, and for keeping conquered and tributary States in subjection. The resolutions arrived at were carefully kept secret, for as archbishop Hinemar wisely says, "It invariably happens that, if the conversation held in such meetings with regard to any individual, either by way of precaution, or in reference to any other public interest, come afterward to the knowledge of that individual, he cannot but feel great anxiety, or be driven to despair thereby; or, which is a much more serious matter, be stimulated to infidelity; and thus a man who might perhaps still have done service to the State, is rendered useless—which would never have happened if he had not known what was said about him. That which is true of one man may be true of two, of a hundred, or of a greater number, or of a whole family, or of an entire province, unless the greatest caution be observed."

Charlemagne endeavored to restore the grandeur, as well as the despotism, of the Roman empire.* He adopted the pompous titles of the Roman court, and named his nobles counts and dukes, after the style of the Roman nobility under Constantine. The imperial palace was thronged with titled menials, and a seneschal, mareschal, falconer, butler,

*Charlemagne was invited by Pope Leo III to Rome, probably in pursuance of a previously arranged plan between the pontiff and the king. On Christmas Day, 800, the Pope, after performing mass in the church of the Vatican before Charles and his retainers, advanced toward the king, and placed a golden crown upon his head, and pontiff and clergy exclaimed: "Long life and victory to the august Charles, crowned by God the great and pacific emperor of the Romans!" Thus was the western empire revived, three hundred and twenty-four years after the deposition of Romulus Augustulus.

and chamberlain presided over the host of servants who ministered to the wants and pleasures of the sovereign. The subject, when admitted to an audience, was required to place one knee upon the ground and to kiss the imperial foot. The revenues of the fisc were derived from cities inhabited by a numerous class of serfs known as *Fiscalins*, whose toil and skill were wholly devoted to the support of the monarch. An officer appointed by the emperor exercised the functions of judge, steward, and administrator, in each city, assigned to every inhabitant a trade or calling, and sold the product of the common labor for the benefit of the imperial treasury.

The empire was divided into districts, each district being composed of a certain number of counties, or dukedoms, and two officials, known as *missi dominici*, one an ecclesiastic, the other a layman, were appointed to inspect a district. Their office was to inquire into the conduct of the provincial authorities, to examine accounts of the fiscal cities, and to administer justice. They were required to visit each county once in every three months. The emperor also decreed that "they should be present in the middle of May, each in his legation, attended by all our bishops, abbots, counts, and vassals, attorneys, and vidames of abbeys. Every count shall be attended by his vicars, centenaries, and three or four of his principal *echevins*, or sheriffs. After having examined into the state of the Christian religion, and that of the ecclesiastical orders, the deputies shall enquire in what manner those invested with power discharge their duties; whether they govern the people according to the will of God and to our orders, and whether they act in concert."

Charlemagne did not attempt to frame a new civil or criminal code for the government of his vast empire. He

allowed the Lombards, the Saxons, and other subjugated nations, to retain their ancient laws and customs, and he confirmed to all his subjects the right to be tried solely on the testimony of man, or the judgment of God, thus excluding torture from judicial proceedings. The ancient German principle of compounding for crimes by the payment of money (*wehrgeld*) was preserved, although in some cases, the amount of the fine was increased.

The grand object of Charlemagne's ambition was to revive in his own person the majesty of the Cæsars. But there was a wide difference between the situation of the king of the Franks and that of the first emperor of Rome. Cæsar was the creature as well as the master of events. The tendency of society was toward centralization; if Cæsar had not grasped imperial power, some rival would have won the prize. In the age of Charlemagne, on the contrary, the tendency was to decentralize, and the only element of unity was the old national spirit which still lingered in the breast of chieftain and of vassal. The free institutions brought by the Franks from the German forests had fallen into decline. The number of allodial estates diminished, while the great seigneurs extended their jurisdiction over their weaker neighbors, and were virtually independent sovereigns within the limits of their domains. The county courts had ceased to be meetings of freemen for common deliberation upon matters of common interest. The more powerful freemen had become territorial lords, while the weaker had sought the guardianship of some one strong enough to protect them. The count, or duke, exercised royal authority within his district. He was no longer the head of the freemen of his county, but the chief of the local nobility. His large estates gave him influence and predominance, and his office, although not recognized as hereditary, was often transmitted from father to son.

Charlemagne aimed to stop the progress of disintegration, not by reviving national freedom, but by rendering the feudal aristocracy subject to the Carlovingian dynasty. He organized an imperial system which ramified his dominions. The *missi dominici*, as lieutenants of the sovereign, made the hand of the monarch felt in every region of the empire. The feudal lords acknowledged a master whom they were not able to defy; but the elements of disunion were only dormant, not annihilated.

The very ambition which led Pepin and Charlemagne to build up a great sovereignty on the foundations laid by the first two Carlovingians, served in the end to obliterate the remnants of Frankish liberty, and to strengthen the aristocracy by the extinction of the small allodial proprietors. The *heerbann*, or summons to the army, often meant the sacrifice of the little property owned by the humble freeman, and the impoverishment and breaking up of his household. Each soldier was required to supply himself with a lance and shield, or with a bow, two strings, and twelve arrows, and to carry with him provisions sufficient for his subsistence until he joined his command. If he failed to obey the call, he was condemned to pay a fine of sixty golden sous, which meant the loss of his property, and perhaps enslavement; if he obeyed, he might find his wife and children, on his return from a campaign, plunged into poverty and wretchedness, or driven to despair by the aggressions and insults of some powerful neighbor who coveted their modest allotment. The wars of Charlemagne added to his own glory, but were most disastrous and demoralizing in their effect upon his subjects.

The foreign policy of Charlemagne was equally fatal to the ancient liberties of the nations whom he subdued. He prohibited their national assemblies, while he allowed the

feudal lords to retain their titles and their lands; so that, when the empire fell to pieces under his feeble and worthless successors, the national spirit and organization had everywhere disappeared, and the great land-owners, unchecked either by a monarch or by a popular assembly, were absolute and undisputed sovereigns. The people were enslaved, and the kings sank to the level of the barons, and were obliged to be content with the obedience of their own immediate vassals.

During the reigns of the later Carolingians, northern and central Italy were ruled by noble families. Each duke or marquis was a monarch within his dominions, and some of the Italian despots were regarded with jealousy by emperors and kings. Their revenues were considerable, their military forces formidable, and the towns within their jurisdiction showed signs of prosperity. They carried on war with each other, and against foreign States, and their will was law among their subjects. Every castle was the centre of a population of artisans and husbandmen, all of them serfs. Armorers, workers in iron and in gold and silver, carpenters, net-makers, brewers, and all laborers, skilled and unskilled, were the bondmen of the feudal lord, and lived in villages under the shadow of his castle walls. The estates of the Church were not secure from the cupidity of the feudal nobles, who seemed to consider that the assumption of the tonsure gave them a right to share in the wealth of the clergy. In the cities episcopal influence was predominant, and the bishops, in the double capacity of civil and ecclesiastical rulers, protected their flocks from the rage of contending potentates, who claimed allegiance without being able to guarantee security. It was fortunate for the communes that the clergy were at their head, for the crozier was more powerful than the sword, and the

angry victor was often propitiated by the intercession of a priest whom he revered. Christianity softened, when it could not prevent the horrors of warfare.

During the early part of the tenth century, northern Italy was desolated by the struggles of powerful lords, ambitious for the dangerous honors of royalty, and each unwilling to see a rival elevated above themselves. At length Otho the Great was invited into Lombardy to accept the crown which Italian jealousy denied to an Italian, and he obtained, almost without an effort, the lordship of the fairest region ever subjected to a German prince. He appeared as a mediator, but was accepted as a master. He first compelled Berenger II, (951), to do homage for the crown of Lombardy, he deposed Berenger (960) and assumed the crown himself, surmounting it (February 9, 962) with the imperial diadem. Thus Italy was united to Germany, not because Italy was too weak or too cowardly to repel foreign aggression, but because Italians preferred an alien to a native sovereign.

CHAPTER XVIII.

RISE OF THE PAPAL POWER.

- Part I.—The Roman See in the Early Ages of Christianity—Submission of the Western Churches to Pope Leo I—Circumstances which Favored the Growth of Papal Power—The Reign of Gregory I—Republican Origin of the Temporal Dominion of the Popes.
- Part II.—Influence of the Episcopacy in the States Founded on the Ruins of the Empire—The Clergy in Spain—And in the Frankish Kingdoms—The Bishops Rank with Great Feudatories—Political Power and Wealth of the Clergy—Origin of Investiture—Provincial Synods in the Beginning of the Ninth Century—The Pope not yet Looked to as the Source of all Ecclesiastical Authority—Christendom in a State of Transition.
- Part III.—Growth of the Belief in Papal Supremacy—The False Decretals—Need for an Ecclesiastical Autocrat—The Reign of Nicholas I—Photius Declares Constantinople to be Independent of the Roman See—The False Decretals Incorporated in the Jurisprudence of the Church—Demoralization of the Clergy—A Shameful Epoch—Papal Authority in Abeyance.
- Part IV.—German Supremacy in Italy—Improvement in the Character of the Popes—Uprisings in Rome—Pretensions of the Holy See—The Excommunication of King Robert of France—Interference by German Emperors in Papal Elections—Hildebrand—His Motives—His Policy—Important Change in the Method of Electing Popes—The College of Cardinals—The Normans—The People of Rome Object to being Made to Surrender the Right of Election—Hildebrand becomes Pope—Henry IV at Canossa—Exile and Death of Hildebrand—The Contest between Paschal II and Henry V—The Concordat of Worms—The Question of Investiture Settled—Condition of the Church.
- Part V.—The Church Independent of the State—Ambitious

—The Aims of the Papacy—Adrian IV and Frederic Barbarossa—The Protracted Struggle between Alexander III and Frederic—The Guelphs and Ghibellines—Frederic Defeated on Land and Sea—The Emperor Humiliates Himself before the Pontiff—Death of Frederic Barbarossa—Contest between Clement III and Henry VI—The Reign of Innocent III.—The Papal Power at its Apogee The Popes and the Italian Republics.

I. In previous chapters I have traced the gradual changes in the constitution of the Christian Church from its origin until the reign of Theodosius the Great. That prince effected the union of Church and State, and assumed on the part of civil power the duty of compelling obedience to ecclesiastical decrees, and of suppressing all forms of Christianity not in accordance with doctrines recognized as orthodox. Theodosius made no attempt to interfere with the internal policy of the Church, or to change the ancient forms of electing bishops. He neither added to nor derogated from the supremacy claimed by the pontiff of Rome, which supremacy, as far as the western churches were concerned, appears to have been generally, although not universally admitted.* Under the weak successors of Theodosius in the west, the pontiffs of Rome became more outspoken in their pretensions to the sovereignty of the universal Church. Zosimus, (417–418) asserted that the

* The Church of Rome (not the pontiff of Rome) appears to have been regarded from the earliest period of Christianity, as the heart and brain of Christendom. Toward the close of the second century, when Irenæus went to Rome as a delegate from the Christians of Gaul, to intercede in behalf of the Montanists (followers of Montanus, of Phrygia, who claimed to be the inspired organ of the Paraclete, the Helper and Comforter promised by Christ in times of distress), he spoke of the Church of Rome as the greatest, the oldest Church, acknowledged by all the Church; with which, on account of its more potent leadership, (*potentiorē principalitatem*) it was necessary that all should agree, and in which the traditions of the apostles were preserved. It is plain,

Roman See was the final court of appeal in all matters of an ecclesiastical nature, and the papal legates, at the synod of Ephesus, (431) declared that Peter, to whom Christ had given the power of binding and unbinding, was continuously living and judging through his successor. Pope Leo I (440-461) reduced into practice the principles which his predecessors had avowed. Sustained by the favor and

however, that Irenæus meant no more than that the Church of Rome, having been founded by the apostles Peter and Paul, and having preserved the traditions handed down from the apostles, was a safe umpire in regard to disputed questions, such as that which he submitted to it. Nor can any other meaning be attached to the saying of Cyprian (258), when he spoke of the bishop of Rome as the successor of St. Peter, and called the *Church of Rome* the Church of Peter, the fountain of Christian unity, and the root and mother of the Catholic Church; for Cyprian himself, as head of the African Church, opposed the position taken by Stephen, the bishop of Rome, and accused him of error and abuse of power. The Council of Nice (325), confirmed to the bishops of Antioch and Alexandria metropolitan rights over their provinces, "since the same belongs to the bishop in Rome." The words which appear in a version of the Nicene canons—" *Ecclesia Romana semper habuit primatum,*" are said to have been inserted subsequently with a view of sustaining the growing pretensions of the Roman Church; nevertheless, if genuine, they would not have been repugnant to the Christian sentiment of the age.

The Synod of Sardica (343) conceded to the Roman pontiff, Julius I, a superior jurisdiction over other bishops. The third and fifth canons provided that a bishop condemned by the judgment of a synod might appeal to Julius, bishop of Rome, who should decide whether a new synod should be called, or dismiss the appeal and confirm the judgment, and that pending the decision of the Roman pontiff, the see of the accused bishop should remain unfilled. Julius was authorized to decide the case of the appealing bishop, either by referring it to the bishops of the ecclesiastical province, or through his own delegates, or by his own personal judgment. These extensive powers were not conferred upon the Roman pontificate by harmonious or unanimous consent, for a number of bishops, including the Oriental prelates, seceded from the synod, and held a distinct session in the neighboring city of Philippopolis. Nor were the canons of Sardica accepted in their fullest sense even in the west.

countenance of the emperor, Valentinian III, Leo summoned the western churches to submit to his authority, as the successor and representative of St. Peter. He was accepted by the prelates of Africa and Spain as the head of the Catholic Church, and he even extended his jurisdiction over the dioceses of Illyricum, which were subject to the emperor of the east. Hilarius, the metropolitan of Arles, the seat of government in Gaul, refused to surrender his independence, and Leo obtained an edict from Valentinian commanding all bishops within his dominions to acknowledge the primacy of the Roman pontiff.

The wars which devastated the empire were favorable to the growth of the power and influence of the papacy. Christianized barbarians respected the patrimony of the Church, and the wealth of the pontiffs enabled them to alleviate the general distress. The Church came with bounteous hand to the aid of a people whom despotism was too feeble to protect and too impoverished to assist, and the multitude learned to look up with gratitude as well as veneration to their ecclesiastical benefactors. When all civil authority seemed to be paralyzed, the Romans resorted to the clergy for the arbitration of disputes and the redress of grievances, as well as for aid in their necessities; and, apart from his episcopal office, the pontiff was regarded as the first of Roman citizens. Nor did the popes relax their spiritual pretensions. Gelasius I (492-496) proclaimed that the authority of the Roman pontiff was greater than that of kings or of emperors, and when Pope Symmachus (501 or 503) was acquitted by a synod held in Rome, on charges of adultery, of squandering the property of the Church, and of other crimes, Ennodius, subsequently bishop of Padua, averred that the pontiff was superior to every human tribunal, and responsible only to God.

The unsubstantial nature of the Byzantine jurisdiction over Rome, during the existence of the Lombard kingdom, afforded the popes ample opportunity to strengthen their secular authority. They were supreme in the municipal councils of the city, and were virtually the chief magistrates of Rome. Nobles and people bowed to their decisions, and obeyed them with the devoted loyalty of subjects; and the election of a pope was as important an event to the Roman multitude as the choice of a Cæsar had once been. The Byzantine emperors exercised the right to approve or disapprove the nomination made by the Roman clergy and people, but there is no reason to believe that the Church would have tamely submitted to an attempt on the part of the emperor to interfere in the election of a pontiff. When Pelagius II was elevated to the chair of St. Peter without the consent of the emperor Maurice, it was thought best to send a nuncio to Constantinople to conciliate offended majesty; and Gregory, known as the Great, performed the mission with entire success.

The fourteen years of the reign of the first Gregory (590-604) witnessed the extension of the papal power over the east as well as the west, and the munificent use which the pontiff made of his vast wealth served to increase the prestige of the papacy still more in Rome and the Italian provinces. The pontiff assumed the humble title of "*Servus servorum Dei*," as a rebuke to the patriarch of Constantinople, who had arrogated the title of "universal bishop." Gregory denounced this assumption as "proud, heretical, blasphemous, anti-Christian and diabolical," and he added: "They who are chosen to point out to others the way of humility and meekness are themselves now become the slaves of pride and ambition." Gregory had, indeed, good reason to dread the ambitious pretensions of the See

of Constantinople, which, from the time of the Council of Chalcedon (451) had ignored the supremacy of the Roman pontiff, and which only yielded a reluctant submission at the command of the assassin and usurper, Phocas. Gregory received invaluable assistance in his work of consolidating the Christian Church from the distinguished ecclesiastic and statesman, Isidore of Seville, who appears to have been cordially in sympathy with the great pontiff's opinions and views, and who did much to bring about that thorough unity of doctrine and of sentiment which to this day exists between the churches of Spain and the Vatican.

Byzantine suzerainty in Italy continued to become more and more shadowy until, during the eighth-century, we find the popes exercising both temporal and spiritual jurisdiction, and one of them, Gregory II, going so far as to anathematize the emperor, Leo Isauricus, and to summon the Franks to make war upon the prince of whom the pope was the nominal subject. Gregory III, who succeeded Gregory II in 731, was in name as well as in fact a sovereign prince. He ruled the exarchate of Ravenna, and defied the authority of the Byzantine court. In accordance with European notions of divine monarchical right it is usual to assign the foundation of the temporal power of the papacy to the generosity of the princely freebooters of the Carlovingian dynasty; but it appears to have had an honorable republican origin in the consent of the people, who, weary of the weak despotism of the Byzantine court, readily submitted to the paternal jurisdiction of the bishops whom they had themselves elected.

II. The episcopacy had not declined in importance or in power with the growth of the Roman pontificate. The nations who founded new kingdoms on the ruins of the empire, were deeply imbued with religious feeling, and they

displayed toward their Christian teachers all the reverence which they had formerly shown the priests of the forest ; and barbarian chieftains were strongly prompted by self-interest to foster this sentiment, in order that they might obtain the sanction of religion for their schemes of ambition. The bishops were, as a rule, wealthy and influential. They were the guardians of the ancient inhabitants of the country, and could serve the new rulers by reconciling the subjects to their conquerors. The clergy were the only educated class, for the lawyers had disappeared with the empire. The learning of the ecclesiastics made their aid and advice indispensable to monarchs unacquainted with the civilization of the Roman world, and brought into intercourse with States of whose history and polity there were almost entirely ignorant. In Spain the clergy obtained a paramount influence at a very early period. They not only elected the kings of the Visigoths, but likewise dictated laws to the nation.* In Gaul the bishops were among the trusted councillors and companions of the sovereign, and he

* "The political predominance of the bishops in the Visigothic monarchy is a fact evident throughout its history. The councils of Toledo made both the kings and the laws. The principal Gothic laymen who attended and deliberated thereat were few in number, as is proved by the signatures to the canons of the councils. The phrases with which we sometimes meet, *cum toto populo, populo assentiente*, are mere formulas which pay a kind of homage to ancient facts, rather than to present and real facts. Excommunication is the legal punishment decreed against bad kings, against attempts at usurpation, insurrection, and other crimes. The predominance of the bishops was not confined to the councils. The oversight of local functionaries and judges was also intrusted to them, and they had the power of provisionally overruling any judgments of which they disapproved. The bishops and the king were the only persons who could not personally defend their own cause, and who were bound to appear by proxy in such cases, lest their personal presence should influence the decision of the judge. The personal and real privileges granted to the clergy, the facility and perpetuity accorded to donations made to churches, everything in fact in the laws as well as in history, testifies that in political matters the bishops occupied the foremost rank, and that their predominance daily increased."—*Guizot's History of the Origin of Representative Government in Europe. Lecture XXV.*

enriched them with lavish gifts of lands and serfs. They ranked with the great feudatories of the crown, and were more powerful than dukes or counts, for besides the territorial possessions which gave dignity and influence to the feudal lord, the bishop had his ecclesiastical weapons, more terrible to the superstitious barbarian than an armory of spears. The Carlovingians, whose claim to the throne was founded on the remarkable and somewhat revolutionary declaration of Pope Zacharias I, that "whoever possessed the power should have also the name of king," contributed greatly to the aggrandizement of the clerical order.* Of the two *missi dominici* in each district of Charlemagne's empire, one was an ecclesiastic, and the ecclesiastical lords formed a separate estate in the assembly of notables; the bishops, abbots, and superior clergy, meeting together without any mixture of laymen, and deliberating upon the *capitula*, drawn up by the sovereign. The clergy, being more united in their views and interests than the lay aristocracy, naturally exercised greater influence in shaping legislation, and in moulding the resolutions arrived at by the prince. So vast were the possessions of some of the

* Pope Zacharias was hard-pressed by the Lombards, and needed the assistance of the Franks. Pepin, who was already the virtual sovereign of the kingdom, owing to the power acquired by his ancestors and himself in the hereditary office of Mayor of the Palace, sent Burckhardt, bishop of Wurtzburg, and Fulrad, abbot of St. Denis, to propose to the pontiff the question: "When there is a king in fact, and a king by right, which is the true king?"—to which the Pope returned the reply stated above. In 752 Pepin convoked the national assembly at Soissons, and was there elected king, and was afterward consecrated by Boniface, bishop of Mayence. In 754 Pope Stephen III made a journey into France, and consecrated Pepin, his wife, Bertrade, and his two sons. The Pope ordered the Franks on pain of excommunication to take none as king who did not belong to the family of Pepin, and the Franks solemnly swore never to elect a king from the loins of another.

mitred nobles that Alcuin, the great scholar and churchman, whose lands were cultivated by not less than twenty thousand serfs, was yet inferior in wealth to the bishops of the imperial court. The territories of some of the episcopal sees were equal in extent to seven or eight thousand manses,* and all their inhabitants "with their houses, slaves, meadows, fields, moveables, and immovables," belonged to the ecclesiastical lord. A capitulary of Charlemagne also ordered the payment to the Church of a tithe of the produce of the soil, a tax which, in subsequent years, was levied upon the earnings of every kind of labor. Charlemagne likewise committed to the clergy the important duty of teaching the people, and of reviving literature and the arts. The quaint and frank language of one of his decrees admonishing ecclesiastics to resume their studies indicates, indeed, that the stores of ancient knowledge were sadly neglected, even by some of the bishops, and that the culture of the mind had been forgotten in the pursuit of temporal gain.

In accepting the honors and emoluments incident to a high rank among the feudal nobility, the bishops, to a certain extent, sacrificed the independence which they had previously enjoyed. Charlemagne was not inclined to part with his domains, even to the Church, and he exacted from the episcopacy a formal recognition of his sovereign right in the lands which they held from the crown. Thus arose the custom of investiture by the king, who put in the hand of the newly elected bishop the ring and the crozier,

* A manse was equal to about twelve acres, and was considered sufficient for the support of a servile family. A freeman was not regarded as respectable unless he owned three or more manses. The owner of three manses was required to do military service, when called upon, whereas the owner of one manse was only obliged to join with three of his equals in providing a soldier.

at the same time that the bishop took an oath of fealty to his royal master. From the investiture of a person duly elected to the episcopal office, it was an easy step for the prince to dictate the name of the person to be elected, and, finally, to make the appointment without even the form of an election. The episcopal dignity was eagerly sought by the highest nobles of the realm, and the sovereign was inclined by the promptings both of friendship and self-interest to confer the crozier on those whom he regarded with favor, and who would be likely to sustain his throne. Charlemagne was never suspected of selling ecclesiastical offices. It was left for base princes in a baser age to descend to that disgraceful method of obtaining money to fill their depleted treasuries. But the scandalous simony of Henry IV was the not illogical consequence of the investiture with ring and crozier by Charlemagne.

In the beginning of the ninth century we find the bishops of the Church enjoying greater power and dignity than ever before, ranking with the leading nobility of the State and exercising high civil as well as ecclesiastical jurisdiction, and we find the pope triumphant in the assertion of his supremacy as head of the Church, and a sovereign prince in name, but in reality a vassal of the Carlovingian emperor. But the successor of St. Peter was not yet looked up to as the *source* of authority; the jurisdiction which he claimed and which was accorded, was of a supervisory and appellate nature. The Church was no longer a commonwealth, nor had it yet become an absolute monarchy. Christendom was in a state of transition. The idea of a sovereign pontiff, "a Vicar of Christ," was steadily gaining ground, perhaps the need for an imperial hand in the direction of the Church was widely felt, but the provincial synods were still the fountains of ecclesiastical authority, and

the bishops were regarded as the oracles of the divine will. They even assumed to depose a king, and their right to do so was acknowledged by the victim of their judgment. When an assembly of bishops declared that Charles the Bald, the degenerate grandson of Charlemagne, had forfeited his title to the throne, and at the same time released his subjects from their allegiance, and transferred his kingdom to Louis, of Bavaria, the prince protested against the decree only on the ground that he had not been heard. He did not question, but, on the contrary, affirmed the authority of the prelates to deprive him of his crown.*

III. The belief in papal supremacy was, however, fast assuming the force of a dogma, and the False Decretals, which are supposed to have been written about the middle of the tenth century, doubtless expressed the views, not only of the papacy, but of a large portion of the Christian world.† The clergy, in accepting the benefits, had likewise

* "No one," he said, "ought to have degraded me from the throne to which I was consecrated until at least I had been heard and judged by the bishops through whose ministry I was consecrated; who are called the thrones of God, on which God sitteth, and by whom He dispenses his judgments; to whose paternal chastisement I was willing to submit, and do still submit myself." Not a word is hinted here about an appeal to the pontiff of Rome.

† The False Decretals were a collection of canons attributed to Isidore Mercator, or Peccator. Their authorship is, however, involved in obscurity. They were compiled from the histories of Rufinus and Cassiodorus, the *Liber Pontificalis*, the works of the Fathers, the decisions of Councils, the collection of canons published by Adrian I in 785, the Sacred Writings, and finally, the Roman civil law. They purported to be rescripts of decrees issued by the early bishops of Rome, in the exercise of supreme jurisdiction over the universal Church. Episcopacy appeared as an emanation from the papacy, and the provincial synods as bodies called by and subordinate to the pope, whose confirmation was necessary to give force to their resolutions, and to validate their judgments. No new see could be erected without the papal sanction; and the papal consent was requisite to the election or resignation of a bishop. The metropolitans received their patriarchal authority from the Roman pontiff, and consecrated their suffragan bishops in his name.

incurred the evils of the feudal condition. The great ecclesiastical lords were discordant, and the church was torn, not by doctrinal but by personal dissensions. The necessity for union became more and more apparent, and union in that age meant centralization and autocracy. The pontiff of Rome alone was in a position to be an ecclesiastical autocrat. He was able to control or defy, at will, the feeble successors of Charlemagne, and none of the powerful nobles of Italy dared to attack the Holy See. Ambitious successors of St. Peter were not slow to assert to the fullest extent the ancient pretensions of the Roman Church, and spiritual weapons were hurled without hesitation at prelates who attempted to maintain an independent attitude, or to set up the verdict of a synod against the judgment of the pope. When Lothaire, king of Lorraine, discarded his queen, Theutberga, and married his mistress, the unjustly divorced wife appealed to the court of Rome. Pope Nicholas I directed the archbishops of Treves and Cologne, in the capacity of papal legates, to investigate the facts. The two prelates exceeded the bounds of their authority by holding a council at Metz, in 863, which approved the divorce, and confirmed the marriage. The pope declared the sentence annulled, and in a council assembled at Rome in 864, he deposed the offending archbishops, and commanded the king, under pain of excommunication, to dismiss his concubine and take back his lawful spouse. Lothaire ignored the papal admonition, and the emperor Louis marched to Rome at the head of an army to chastise the contumacious pontiff. A sudden attack of illness, and the loss of many of his best soldiers through unforeseen fatalities, struck terror into the emperor, and he withdrew from an enterprise which seemed to have brought upon him the anger of Heaven. Lothaire, shunned by his subjects,

harassed by his enemies, and almost abandoned by his friends, at length humbly craved pardon at the feet of Adrian II, the successor of Nicholas, and even then the pope hesitated to forgive the prostrate sovereign and the offending prelates.

The reign of Pope Nicholas I was likewise distinguished by the beginning of the schism which resulted in the secession of the eastern churches from the jurisdiction of Rome. When the Pope excommunicated Photius, who had been intruded into the patriarchal chair of Constantinople in the place of Ignatius the legitimate metropolitan, the usurping prelate, sustained in his defiant attitude by the Byzantine emperor, summoned a council of his own bishops, pronounced anathema against the Roman pontiff, and declared that "since the seat of empire had been removed from Rome to Constantinople, the primacy and privileges enjoyed until then by the Roman See had become transferred unto that of the new capital." This bold proclamation of independence was, indeed, in accord with sentiments which had been cherished for ages by the clergy and laity of the east, and which had frequently given rise to long and bitter controversies between the Pope of Rome and the primates of Constantinople. The Byzantine princes were likewise inclined to resent the transfer of papal allegiance to the Carolingian dynasty, apparently ignoring the fact that their own impotence to protect the Romans against Lombard aggression had compelled the popes to seek the aid of the Franks.

During the pontificate of Nicholas the False Decretals were incorporated with the jurisprudence of the Church, and the papacy was thus openly and formally proclaimed to be the fountain, under Christ, of all ecclesiastical power and dignity. The acceptance of this view of papal

supremacy was greatly forwarded by the tact and ability of John VIII, who succeeded Adrian II in 872, and who may be said to have effected the consolidation of the Catholic Church. By a shrewd line of political conduct he maintained an appearance of superiority over the secular power, while he attached the bishops to the cause of papal autocracy by magnifying the importance of their office, at the same time that he steadily upheld the supremacy of his own. "At the Council of Ravenna in 877, and again at another at Troyes, which he convened in the following year, during his stay in France, he propounded several decrees, to the astonishment of the bishops themselves, claiming for them various rights and privileges which they had not themselves hitherto ventured to demand. This proceeding produced upon their minds the greater impression, inasmuch as they had long been desirous of advancing their social position. Never until now had they been made aware of the points at which they ought to aim in order to secure for themselves the highest rank and influence in the State, and the pontiff who gave them powerful assistance in this weighty affair could not but be highly popular among them. It was perhaps by this measure that John principally contributed to the strengthening of the papacy to such an extent that it remained without any considerable loss during a long succession of unworthy, or impotent and inactive popes, who occupied and disgraced the See during the troubles that shook Italy for more than half a century."*

Meantime the demoralization of the clergy was increasing. The wealth of the Church was too tempting a prize to escape the cupidity of the feudal aristocracy. Young noblemen filled the stalls, and consumed the revenues of the chapters. Simony was open and shameless.

* *Riddell's Papacy*, ii, 31-32.

Needy princes replenished their coffers by the auction of ecclesiastical dignities, and the persons thus promoted to the bishoprics, absorbed the income, without performing the duties of their offices. Even the expectancies of canonries were objects of traffic, affording, as they did, a prospect of sharing in the emoluments of an episcopal see. Celibacy was far from being the universal rule among the clergy, and many presbyters, even in the west, lived in a state of marriage, or, as the ecclesiastical authorities called it, concubinage.

While the great houses of Lombardy were engaged in a sanguinary struggle for the iron crown, the leading families of Rome and its neighborhood were ambitiously striving for the tiara. Youthful noblemen were elevated through shameless intrigues to the chair of St. Peter, and their licentious conduct excited the contempt and disgust of the Christian world. During the early part of the tenth century the Catholic hierarchy was practically without a head, for no bishop thought of consulting on points of discipline or doctrine the unworthy persons who occupied the See of Rome. But it is better to draw a veil over an epoch, for the enormities of which the people of a single city, and not the universal Church, were responsible. When the imperial sceptre passed from the weak rulers of France to the energetic house of Saxony, the papacy was rescued from the pollution in which it had been plunged. John XII, the last representative of the pornocracy, was, at the instance of Otho the Great, cited before a synod at Rome, (963) which convicted him of murder, blasphemy, and lewdness, and deposed him from the papal throne.

IV. The annexation of northern and central Italy to the German empire was followed by a marked improvement in the character of the men who were elevated to the

papal chair, and by a corresponding increase in the deference with which the papacy was regarded by Christendom. With few exceptions, the popes who owed their elevation to the emperors of the Saxon and Frankonian lines were ecclesiastics of unimpeachable morality. The pontiffs were nothing more, however, than vassals of the imperial crown, although the temporal jurisdiction of the papacy over the Italian dominions which it claimed was solemnly confirmed in a council at Ravenna, held under the auspices of Otho the Great, in 967. The turbulent nobles of Rome were unwilling to surrender their long-enjoyed and much-abused control of papal nominations, even to an imperial sovereign, and during nearly the whole period of German supremacy in Italy, the eternal city was the scene of strife between factions struggling for the possession of the pontifical chair, its spiritual power, and lucrative emoluments. The most conspicuous figure in these contests was the noble Crescentius, who for a number of years ruled the Romans with the august title of patrician, and set up and dethroned popes at his pleasure. In 996 Otho III, King of Germany, caused his nephew, the son of the Duke of Carinthia, to be elected to the papal throne, and the new pontiff took the name of Gregory V. In return for the dignity conferred upon him, Gregory crowned his uncle emperor of the west. No sooner had Otho recrossed the Alps, than Crescentius excited a revolt, assumed the title of consul, and drove Gregory out of the city. Crescentius then appointed a pope of his own choosing, a Greek of low birth named Philagathos, bishop of Piacenza, who adopted the name of John XVI. Otho marched upon Rome (997), and the anti-pope was captured while trying to escape. His tongue was torn out, and he was deprived of his nose and his eyes, and the triumphant

Gregory caused him to be paraded through the streets of Rome in this mutilated condition, sitting backward upon an ass, and wearing the tattered insignia of the sacred office which he had usurped. Crescentius who had taken refuge in the castle of St. Angelo, capitulated on the solemn engagement that his life should be spared, but he was beheaded in spite of the guarantee, and Otho took the widow of the dead consul as his mistress. The tragic fate of Crescentius terrified the Romans for a time into abject submission to the imperial will, but the spirit of disaffection broke out in subsequent years, and the rulers of Germany were obliged to maintain a watchful protectorate over their popes.

It is a remarkable fact that during the shameful epoch known as the reign of pornocracy, when papal authority was completely in abeyance for over half a century, no attempt was made by the bishops of the western churches to re-assume the prerogatives which had been withdrawn from them in the course of ages, and concentrated in the Roman pontiff. The fact indicates that the idea of papal autocracy and of the centralization of all ecclesiastical authority in Rome seems to have become fastened with the force of a dogma upon the conscience of Christendom. The Christian world moved along well enough for nearly two generations without a pope—that is, without any pope whom a respectable Christian would care to recognize—but when men of character and ability once more occupied the papal chair, the papal orders were obeyed just as if there had been no interregnum. The Roman See abated not one jot of its pretensions to the supremacy of the universal Church, and to jurisdiction over the temporal rulers of the earth, and those pretensions seemed to be fully acquiesced in by the clergy. When Robert, king of France, married his beautiful cousin

Bertha, without a dispensation, Pope Gregory V deposed the archbishop who officiated at the marriage, condemned the king to do penance for seven days, and ordered him to discard Bertha. Robert, who loved his cousin deeply, refused to obey the papal mandate, whereupon he was excommunicated, and so great was the terror inspired by the solemn and awful sentence that only two persons dared to remain in the service of the monarch, and even they threw into the fire everything that he had used, for fear of being contaminated by contact with it. For three years the king of France lived in this dreadful and gloomy situation, fortified by the devotion and the caresses of her who was dearer to him than his soul. At length he yielded; the woman was repudiated, and the monarch, after a humiliating acknowledgment of his guilt, was admitted once more within the pale of the Church. Nothing could more strikingly illustrate the condition of Christian thought in the Middle Ages than this melancholy episode. In the view of the vast majority of believers, the spiritual weapon hurled by the hand of the successor of St. Peter was as vivid as the lightning's flash, and much more terrible, for the lightning could only kill the body, while the papal anathema doomed both soul and body to everlasting torments. Occasionally a prince, intoxicated by the adulation of parasites, and the possession of unlimited power over the property and lives of millions of subjects, challenged the hostility of the pope, and he might perhaps, achieve a momentary success, but every day his cause was sure to become weaker and less hopeful. Natural calamities were regarded as expressions of divine displeasure, and the very stars in their courses seemed to be warring against him. His trusted confidants, who might have recklessly applauded his resolution and courage in the beginning, shrank from his presence as from

that of a leper, and the loyalty of his subjects was chilled by the thought that their prince was the enemy of God. His mind was irritated, his conscience tortured, and at length life appeared to be intolerable without reconciliation to the Vicar of Christ.

But the pontiff of Rome was far from being independent, or the Church free from the dictation of secular princes. The German emperors, especially the vigorous Henry III, deposed and appointed popes without scruple or hesitancy. When, (in 1046) three claimants (Gregory VI, Benedict IX, and Sylvester III) were contending for the papal chair, and their adherents were murdering each other in the streets of the eternal city, Henry restored order and solved the difficulty by deposing all three of the rival popes, and elevating the German bishop of Bamberg to the vacant See. Sovereigns still exercised the right of investiture, and the most shameless simony was practised in the disposal of benefices. Celibacy was not yet the universal rule among the clergy, even of the west, and many members of the priesthood disgraced their sacred office by scandalous incontinence. Such was the condition of Christendom when Hildebrand, a monk, the son of a carpenter of Siena, in Tuscany, obtained an ascendancy in the papal court. Hildebrand was one of those men who in the ever-moving caravan of historical characters loom above their contemporaries like a giant among pigmies. His was not a loveable nature. He possessed an unconquerable will and an inflexible singleness of purpose, combined with that magnetic force which compels the common to recognize the master mind. There is no reason to doubt his sincerity, or even to suppose that he was consciously actuated by ambitious or selfish motives. The last words of his life—
“I have loved justice and hated iniquity, and therefore I

die in exile"—were doubtless from his heart. To him the cause of the Church was the cause of justice; its defeat the triumph of iniquity. Hildebrand aimed to carry out to its logical conclusion the doctrine that the pope is the Vicar of Christ upon earth; that the papal authority being of divine origin is superior to any earthly jurisdiction, and that the Roman pontiff, in virtue of his sacred office, is invested with the power to direct and govern all affairs, both spiritual and temporal. He essayed to establish through his legates papal supervision over the strictly secular acts of sovereign princes, to summon them to his feet to answer accusations of maladministration, and, in a word, to make Christendom one vast theocracy, with the pope as the interpreter and oracle of the divine will. He endeavored to sever all ties which bound the ecclesiastical order to the service of the State, and to make the State the servant, as he claimed it to be the creature of the Church. He tried to enforce the most rigid celibacy, so that the priesthood might not be diverted by the vexations and pleasures of the family relation from the single object of the aggrandizement of the pontificate.

For twenty-five years before he himself ascended the papal throne, Hildebrand guided the policy of the Roman court. He was the confidential adviser of the excellent prelate, Leo IX, during whose reign the Normans established a dominion in southern Italy, which was destined to be, in after years, a bulwark of the papacy against German aggression. During the reign of Nicholas II, Hildebrand succeeded in effecting an important reform in the method of papal elections. His object was to make the choice of a pope wholly independent, both of the Roman nobility, and of the emperor of Germany. By authority of the Second Lateran Council (1059), Pope

Nicholas decreed that the cardinal bishops (seven in number, holding sees in the neighborhood of Rome, and consequently suffragans of the pope as patriarch, or metropolitan,) were to choose the supreme pontiff, with the concurrence, first, of the cardinal priests and deacons (or ministers of the parish churches of Rome), and afterward of the laity.* Thus elected, the new pope was to be presented for confirmation to Henry, "now king, and hereafter to become emperor," and to such of his successors as should personally obtain that privilege. Thus the right of the emperors to disapprove or confirm the election of a pontiff was virtually annulled, and the citizens of Rome were debarred from an ancient privilege which they had grossly abused. In order to fortify the papacy against any attempt on the part of the empire to prevent the new regulations from being carried into effect, the Normans, who held their conquests in southern Italy as vassals of the Holy See, were required to take an oath that they would recognize and defend as pope no other than the one who

* Cardinals were originally the principal priests of the parish of Rome, the title *cardinalis* being given to a presbyter who was the regular pastor of a church, to distinguish him from priests who had no church. Stephen IV, (770) selected seven bishops out of the number within the vicinity of the city, and gave them the title of *cardinal*, and required them to say Mass every Sunday in St. Peter's Church. The title of cardinal was, at a later period, assumed by the leading priests and deacons of other cities, to distinguish them from other ecclesiastics over whom they claimed superiority; but the popes subsequently ordained that the title should belong only to those who had received it from the Roman pontiff. The seven cardinal bishops held their titles from places in the neighborhood of Rome, and took turns in attending upon the pope, a week at a time. They originally joined with the other Roman clergy in electing a pope, and the choice was often made from their number. The title of cardinal does not seem to have carried with it precedence over other ecclesiastics of the same rank in the priesthood or episcopacy, until subsequently to the first quarter of the eleventh century.

should be elected by the cardinals in accordance with the forms which had received the sanction of the Church. The Normans, formerly the enemies, thus became the body-guard of the papacy, and, with these formidable warriors at their back, the pontiffs felt that they could safely ignore the dictation and defy the armies of transalpine princes.

The nobility and people of Rome did not consent without a protest to the deprivation of their ancient and valued right of joining in the election of a pope, and, in 1061, after the death of Nicholas, they refused to recognize Alexander II, the choice of the cardinals. The court of Germany upheld the cause of the recusants, and in a synod held at Basle, Cadalous, bishop of Parma, was elected pope. The autipope took the title of Honorius II, and advanced on Rome with a German army. The rival pontiffs excommunicated each other in due form, and in the battle which followed, Alexander, thanks to the valor of the Normans, was victorious. Cadalous fled, the imperial regent (the emperor, Henry IV was then in his eleventh year) consented to accept the pontiff chosen by the cardinals, and the election of Alexander was soon afterward ratified by the synod of Goslar. From that time forward the right of the cardinals to elect a pope was virtually established, although it was not until 1179 that, by a decree of Alexander III, the choice of a pontiff was vested exclusively in the Sacred College, with the proviso that the concurrence of two-thirds of the cardinals present should constitute a legal election.*

The papacy might now be considered as emancipated from imperial control; but a more gigantic work remained

* The Council of Lyons, held in 1274, under the auspices of Gregory X, decreed that the election should be held in secret conclave, and minutely set forth the forms to be observed, which have been adhered to without fundamental change unto the present day.

to be accomplished—the subjection of the empire to the papacy. In 1073 the son of the carpenter of Siena ascended the chair of St. Peter, and assumed the title of Gregory VII. He spent the early period of his pontificate in enforcing stricter discipline among the clergy, and in strengthening himself for the coming struggle with the young and arrogant emperor of Germany. Henry IV was a brave and successful soldier, but he was of resentful disposition, hasty and unstable in action, and licentious in conduct. His extravagances kept him always in want of money, and he replenished his treasury by the sale of episcopal sees to incapable and unworthy men. Gregory admonished the emperor to cease his simoniacal practices, but without effect. In 1074 the pope summoned a council at Rome, which pronounced an anathema against all persons guilty of simony, and likewise ordered the deposition of priests who lived in concubinage.* In 1075 another council prohibited princes, under pain of excommunication, from giving investiture of sees or abbeys, by conferring the ring and crosier. Pope Gregory supported this sweeping and revolutionary decree by the argument that investiture was a spiritual act, and that its performance by laymen was an unwarrantable assumption of ecclesiastical power. The crosier he held to be emblematical of the spiritual authority of the bishops over their flocks, and the ring to signify their mystical marriage to the Church. It was argued, on the contrary, by the supporters of the right of investiture, that the imposition of hands by the metropolitan was the spiritual part of the inauguration of a bishop, and that the bestowal of the ring and crosier was a purely temporal ceremony.

* The marriage of the clergy was still prevalent in the eastern Church, and likewise in the diocese of Milan.

The emperor continued to dispose of the episcopal dignity and emoluments for money, without heeding the admonition of the pontiff, or the anathema of the council. Gregory, who was now thoroughly aroused, summoned Henry to Rome, not only to account for his defiance of ecclesiastical laws, but also to answer charges of secular misgovernment preferred against him by his subjects. Henry, hotly indignant at what he considered to be a gross insult to the majesty, and encroachment upon the prerogatives of the imperial crown, caused a diet of the empire to be assembled at Worms, which fulminated a sentence of deposition and excommunication against Gregory; and the emperor addressed a missive, informing the Roman pontiff of the action of the diet, to "the false monk, Hildebrand." Gregory replied by an edict excommunicating the emperor, depriving him of his kingdoms of Germany and Italy, and releasing his subjects from their allegiance, and forbidding them to obey their sovereign. Henry soon found that he had bearded a foe more formidable than any he had faced on the field of battle. Disloyal nobles rose in rebellion against him, and claimed that they were carrying out the will of Heaven in attacking a monarch accursed by the Vicar of Christ. Henry was deserted by the prelates who had aided in his attempt to drive Gregory from the papal throne, but who now hastened to make peace with their ecclesiastical Cæsar. Even the near friends of the emperor avoided his presence, and he found himself a prince without courtiers, a ruler without subjects. He sank from the height of arrogance into utter despondency, and resolved, as a last and desperate resort, to throw himself on the mercy of the Roman pontiff. Accompanied by his faithful Bertha and a single attendant, Henry crossed the Alps, and proceeded to Canossa, a fortress near Reggio, where Gregory

was the guest of his devoted adherent, the countess Matilda. The emperor was admitted into an outer court of the castle, and remained there from morning until evening, for three successive days, clad in a shirt of hair, and with naked feet, while Gregory, shut up with the countess, appeared to ignore his presence. On the fourth day the pope condescended to grant absolution to his humbled enemy, but on condition that he should not resume the insignia of imperial power until the pontiff had determined whether or not his kingdoms should be restored to him.

Henry, although crushed and humiliated, found that he was not entirely friendless. The Lombard cities, grateful for the liberties which they had enjoyed under the nominal suzerainty of Saxon and Franconian kings, and dreading, perhaps, that those liberties might be endangered by the aggrandizement of a pope, whose ambition seemed to be unbounded, offered to the fallen prince not only their sympathy, but likewise substantial support. The emperor regained courage. His haughty spirit revolted against the humiliation to which he had subjected himself, and, at the head of a formidable force he recrossed the Alps, and gave battle to his enemies. Rudolf, of Swabia, had been elected emperor instead of Henry; and Gregory, after some hesitation, had bestowed the imperial crown upon him, accompanied by a Latin verse, importing that it was a gift conferred by virtue of the power handed down from St. Peter. Henry gave battle to his rival, who was defeated, and mortally wounded. Having conquered all opposition in Germany, and once more firmly established himself on the throne, the emperor marched into Italy at the head of a veteran and victorious army, and was welcomed with enthusiasm by his loyal vassals of Lombardy. A diet was assembled, Gregory was again declared to be deposed from the papal throne,

and Guibert, archbishop of Ravenna, was appointed Pope, with the title of Clement III. Henry marched to Rome, but the walls were stoutly defended by the Normans, under Robert Guiscard, and the imperial army was compelled by the deadly summer pestilence to retreat to northern Italy. In 1083 Henry again attempted, but without success, the capture of the city. Both pope and emperor were weary of the struggle, and negotiations were opened, with a view to a peaceful settlement of the questions at issue. A general council was called, but no satisfactory understanding was arrived at. The stern spirit of Hildebrand seemed, however, to be broken, and he did not again excommunicate his imperial adversary.

In 1084 the Romans, who had become dissatisfied with Gregory's stringent administration, sent messengers to request Henry to take possession of their city, and he speedily complied with the invitation. The Germans entered Rome on the 21st day of March, and Gregory escaped into the castle of St. Angelo. Guibert, the anti-pope, was publicly consecrated on Palm Sunday, and on the following Easter Henry was crowned emperor in St. Peter's Church. After the coronation Henry ascended the capitol, and was hailed by the acclamations of the Roman people as the successor of Augustus. But just at the moment when the German prince seemed to have wiped out the disgrace of Canossa, and while the plaudits of the multitude were yet ringing in his ears, news was received that the Normans were advancing to the deliverance of the Pope. Henry withdrew to Tuscany, leaving Gregory still besieged in St. Angelo by an armed mob of citizens. Robert Guiscard entered Rome with a force of Normans and Saracens, and under pretence of rescuing the beleaguered pontiff, he allowed his soldiers to perpetrate all the outrages

usually inflicted in that age upon the inhabitants of a city taken by storm. Gregory went out from his castle, and launched excommunication for the fourth time against Henry and the antipope. When the Normans retired, the pontiff, not daring to trust himself unprotected among the citizens, departed with King Robert. Gregory died in exile at Salerno, May 25, 1085.

The war between the empire and the popes did not cease with the death of Hildebrand. Paschal II, a Tuscan who had been made a cardinal by Gregory, mounted the papal throne in 1099, and prosecuted with energy the contest against investiture. Henry IV was as indifferent to Paschal's admonitions, as he had been at first to those of Gregory, and the pope fulminated a sentence of excommunication. The emperor's disloyal son seized the opportunity to head a rebellion against his father. Henry IV was driven from his throne, and Henry V was hailed as king of the Germans. The new sovereign went to Italy to receive the imperial crown from the hands of the pope, but Paschal was unwilling to perform the ceremony unless Henry would engage to give up the right of investiture. The pontiff, after some controversy made the following apparently reasonable proposition: "If the emperor contends for his regal rights, let him resume the donations on which those rights are founded,—the duchies, margraviates, countships, towns and manors which his predecessors have bestowed on the Church. Let the Church retain only its tithes, and the donations which it has received from private bounty. If Henry renounces the right of investiture the Church shall restore all it has received from secular princes since the time of Charlemagne."

The bishops themselves, however, especially those of Germany, were strongly opposed to the surrender of lucra-

tive emoluments and princely dignities, for which some of them had paid highly. Paschal's suggestion was not acted upon and the grave question was yet unsettled, when Henry arrived in Rome, (1110). The king kissed the papal toe, according to custom, and entered the church of the Vatican hand in hand with the pope. At this important moment, when it seemed that Henry's brows would soon be pressed by the splendid bauble for which he had sacrificed a parent, a discussion in regard to investiture arose between the pontiff and the king. Neither would yield; Paschal refused to officiate at the coronation, the brilliant gathering of spiritual and temporal lords was dissolved, and the western empire was still without a consecrated head. Henry determined in his anger that he would achieve by brutal force what he could not obtain by peaceful means. The German soldiers laid violent hands upon the pope, stripped him of his pontifical robes, and dragged him, bound with cords, to their camp. The Romans were maddened at seeing the father of the Church, a prelate whom they revered and loved, maltreated by northern barbarians. They rose in revolt, and drove the Germans from the city. But Henry kept possession of the person of the pope. Paschal, overborne by the entreaties of a number of his ecclesiastics, who were, like himself, prisoners in the royal camp, consented, at length, to perform the act of coronation; and likewise confirmed the emperor's right to invest with the ring and crosier.

After the departure of Henry from Rome, Paschal summoned a council in the Lateran, and submitted his conduct to the judgment of the Church, at the same time declaring that he would sooner abdicate than violate his engagement to abstain from excommunicating, or in any way molesting the emperor. The Council, after deliberation,

solemnly condemned the action of the pope in conceding the the right of investiture, and proclaimed that the investiture of churchmen by lay hands was heresy. The prelates of France and Italy, and some of those of Germany, approved the stand taken by the Council. Paschal died in January, 1118, leaving the controversy still unadjusted.

After the struggle had lasted with varying fortunes for about half a century, it was terminated by the Concordat of Worms, (1122), when Henry V, following the precedents of the kings of England and France, surrendered "to God, to Sts. Peter and Paul, and to the Catholic Church, all right of investiture by ring and crosier." It was agreed that the bishops, having first been elected according to canonical forms, should receive their regalia at the hands of the emperor, and do homage, but that in this ceremony the emperor should not use the emblems of spiritual authority, but only the sceptre. Elections were to take place in presence of the emperor, or his plenipotentiary, and in doubtful elections, or disagreements, the decision was to lie with the emperor, whose imperial authority in connection with the temporal possessions of churchmen was solemnly acknowledged. From this time forward, the election of bishop was wholly in the hands of the canons, or cathedral clergy, subject to confirmation by the pope, force being now given to the previously dormant decree of Alexander II, (the predecessor of Hildebrand), that no bishop-elect should exercise his functions until he had been confirmed by the Roman pontiff. The bishop-elect was consecrated by his metropolitan, and the metropolitan received the pallium directly from the pope.

The stalls of the cathedral chapters were, as I have previously stated, filled by persons belonging to noble families, who enjoyed the emoluments, and monopolized the privilege

of electing prelates. The general body of the diocesan clergy were wholly excluded from any voice in the selection of their bishops, and all vestiges of ancient republican forms had long ago disappeared from the Church. The common people were not denied the consolations of religion, but they could hardly aspire to the priesthood. Nevertheless the monasteries were open, even to the humblest, and there is more than one instance in mediæval history of a monk, born in poverty and obscurity, working his way up to the highest dignities in the Church, and even, as wearer of the triple crown, being elevated above the kings and emperors of the earth.*

V. By the surrender on the part of the emperors of the right of investiture, the Church was rendered completely independent of the civil power. It is easy to assume that Hildebrand, Paschal, and Calixtus, may have conscientiously believed that they were fighting God's battle in endeavoring to divest princes of a prerogative which had been abused, to the great scandal of Christendom and the demoralization of the clergy; that, in endeavoring to release the clergy from the shackles of feudalism, they were proving their love of justice, and their hatred of iniquity, and that the motives which urged them on were unalloyed by pride or ambition. But the victory had been won, the ring and the crosier were no longer emblems of vassalage, and the Christian hierarchy (of the west) acknowledged no sovereign but the pope. Thenceforward the aims of the papacy were

* Adrian IV (Nicholas Breakspeare), was able, after his election to the papal chair, to mildly rebuke the monks of St. Albans, who had rejected him in his youth on account of his ignorance. Adrian rose, from being a servant, to be the abbot of the monastery of St. Rufus, near Avignon. Like Hildebrand, when in a similar office, he attracted the attention of a pope, and after being cardinal and papal legate, was promoted to the highest office in the Church.

distinctively aggressive and ambitious. The popes directed their energies to the extension of their temporal power, the extinction of imperial authority in Italy, and the reduction of empires and kingdoms to the position of fiefs, held by their rulers as vassals of the successors of St. Peter.

The German emperors continued to exercise a precarious suzerainty over northern and central Italy, and while pretending to recognize the title of the popes to the dominions claimed as the patrimony of the Church, they exacted feudal tribute from the papal territories, and governed Rome itself—when the city was under their control—through a prefect and commissioners, who levied taxes and administered justice. Adrian IV took a determined stand in behalf of papal independence. He protested against the exactions of the imperial officers in Rome, and he declared that the estates of the Church were not and should not be subject to the payment of tribute. He also demanded the restitution to the papacy of the lands and revenues of the countess Matilda, and of the duchy of Spoleti, and the islands of Corsica and Sardinia. Frederick Barbarossa, the second emperor of the House of Hohenstauffen, was of a noble and magnanimous disposition, jealous of the dignity of his crown, but generous in his respect for the rights of others, especially of the Holy See. He had held the stirrup for Adrian to mount, before being consecrated emperor in 1155, and he might, perhaps, have been inclined to consider favorably even the apparently extravagant demands of the pontiff, but for a circumstance which occurred in presence of his princes, and which left him no choice between self-degradation and a sturdy assertion of his sovereign power. Adrian sent a letter to Frederick in which he reminded the monarch that he had conferred upon him the imperial crown, and was willing to bestow, if possible, even greater benefits

—(*beneficia*). The missive was delivered and read in a congress of the princes of Germany. The arrogant tone, and especially the word "*beneficia*," excited the indignation of the haughty feudal lords, who acknowledged no master except their king. They asked why the pope dared to call the empire a *benefice*. The papal legate replied: "From whom then does the emperor hold his crown except from the pope?" The prince of Wittlesbach was so infuriated at a question which he considered to be an insult to the majesty of the empire that he was about to cleave the priest's head with his sabre, when restrained by his more deliberate, if not less indignant, associates. Barbarossa refused to yield to the papal demands, and Adrian was only prevented by death (September 1, 1159), from excommunicating him. Adrian had been more successful in obtaining a recognition of the temporal power of the papacy in other quarters than in Germany. He granted to Henry II of England the lordship of Ireland, at the same time claiming that all islands belonged to St. Peter, and he compelled William of Sicily to consent to receive his kingdom as a papal fief.

To his successor, Alexander III, Adrian transmitted a legacy of hate and antagonism to Barbarossa, whose proud nature was now stirred to its depths by the unbending and hostile attitude of the Roman court. Frederic set up an antipope of his own selection (Victor IV), in opposition to the legitimate pontiff, and for sixteen years the might of the German empire was directed to the crushing of Alexander. Roland Ranuci wandered from court to court, from kingdom to kingdom, a fugitive and a suppliant, vainly begging the princes of Christendom to champion the cause of the Church, while the fairest regions of Italy were des-

olated by contending armies shouting the war-cry of "Guelph!" or "Ghibelin!"*

The decisive battle of Legnano, when the imperial army was totally crushed by the forces of the Guelphic confederacy (May 29, 1176), assured the salvation of Italy, but did not break the proud spirit of Frederic. When the Venetians, in behalf of Alexander, made overtures to Barbarossa with a view to an amicable settlement, he answered: "Go and tell your prince and his people that Frederic, King of the Romans, demands at their hands a fugitive and a foe; that, if they refuse to deliver him to me, I shall deem and declare them the enemies of my empire; and that I will pursue them by land and by sea, until I have planted my victorious eagles on the gates of

* The word "Ghibelline, or "Ghibelin," is said to be a distorted form of "Waiblingen," the original seat of the Swabian, or Hohenstauffen dynasty. "Guelph," otherwise "Welf," is the name of the celebrated Bavarian house which was the most powerful opponent of the Hohenstauffen line. The names are said to have been first used in the great battle of Weinsberg, (1140), fought in Swabia between the partisans of Conrad of Hohenstauffen, and those of Henry the Lion, of the House of Welf. In this battle the followers of Conrad rallied to the cry of "Hie Waiblingen!" and those of Henry to the cry of "Hie Welf!" These party cries were transferred to Italy, the opponents of imperial power—that is, of the Hohenstauffen dynasty—calling themselves Guelphs, and the imperialists being known as Ghibellines. The House of Hohenstauffen—pursuing a different course of policy from that of the Saxon and Franconian emperors—endeavored to deprive the Italian communes of self-government, at the same time that they warred against the temporal power of the papacy. The interests of the papacy and of the communes were therefore, for a long time identical, and the Guelphic party was the party of the Church, of local self-government and of liberty, as opposed to the Ghibellines, who sustained the centralizing policy of the House of Hohenstauffen. Nevertheless the words, like party names in every age, represented different interests in different localities. Sometimes, of two powerful families contending for the mastery of a city, one would be called Guelph, the other Ghibelline, yet both might be equally hostile to popular freedom.

St. Mark's." The islanders were not daunted by this arrogant menace, and they got ready to make a desperate defence against the armada which, under Otho Hohenstauffen, the son of the emperor, was preparing to invade their lagoons. The Venetians met the squadron of Barbarossa off Salboro, seven miles distant from Pirano (May 26, 1177). The imperialists numbered seventy-five sail; the islanders only thirty-four; but the latter were inspired by every motive that could nerve the arm or stimulate the courage. The fight lasted for six hours, and ended in the utter rout of the imperial fleet. Otho himself was captured, and forty of his vessels fell into the hands of the conquerors, besides two which foundered during the action. Pope Alexander met the victors at the landing-place on their return, and in token of his appreciation of their invaluable services to his cause, he bestowed upon Venice the perpetual dominion of the ocean.

Barbarossa was now willing to listen to the proposals which he had so wrathfully rejected but a few months before, and it was arranged that a congress should meet at Rialto, and discuss and ratify the terms of peace. The emperor likewise signified his desire to be readmitted within the pale of the Church, and Alexander acceded to his request. Frederic arrived in Venice on the 23rd of July, and was received in a manner befitting his imperial station, and the dignity of the republic of which he was the guest. On the morning of the 24th, a procession of the doge, nobles, and clergy of Venice escorted Barbarossa to St. Mark's, where the pope sat in state, arrayed in his pontifical robes, and surrounded by the ambassadors of Sicily, France, and England, the delegates of the free cities, and a throng of peers and cardinals, bishops and archbishops. Assuming a lowly attitude the emperor approached

the papal throne, and casting off his purple mantle, prostrated himself before the pope. "The sufferings and persecutions of eighteen years recurred at that moment to the memory of His Holiness, and a sincere and profound conviction that he was the instrument chosen of Heaven to proclaim the predestined triumph of right might have actuated the pontiff, as he planted his foot on the neck of the emperor, and borrowing the words of David, cried: 'Thou shalt go on the lion and the adder; the young lion and the dragon shalt thou tread under thy feet.' 'It is not to thee, but to St. Peter, that I kneel,' muttered the fallen tyrant. 'Both to me and to St. Peter,' insisted Ranuci, pressing his heel still more firmly on the neck of Frederic; and as soon as the latter appeared to acquiesce, the pope relaxed his hold, and suffered His Majesty to rise. A *Te Deum* closed this remarkable ceremony, and, on quitting the cathedral, the emperor held the sacred stirrup, and assisted his tormentor to mount."* Barbarossa continued ever after to be on friendly terms with Rome, and the old emperor perished in the river Calycadnus, in Cilicia, while leading the Third Crusade against the Moslems (June 10, 1190). Henry VI, the son of Barbarossa, married Constance, the Norman heiress of Naples and Sicily, and the pretension put forth by Clement III to feudal suzerainty over the heritage of Constance, led to an outbreak between Henry and the pontiff. Clement died March 25, 1191, when Henry was marching upon Rome. The claims of the Holy See remained in abeyance during the pontificate of Celestine, the successor of Clement.

* I have adopted the description of this remarkable scene given by Hazlitt, in his *History of the Origin and Rise of the Republic of Venice*, vol. ii, ch. 1. The veracity of the narrative has been disputed, but Hazlitt supports it with an array of authorities entitled to respect, including Muratori (vol. ii, p.p. 26-7-8), whose singular accuracy as a historian is attested by Hallam.

The papal power may be said to have reached its apogee during the reign of Innocent III, who was crowned with the tiara, after the demise of Celestine, in 1197. Born of a noble Roman family, versed in all the learning of the mediæval schools, deeply imbued with the principles to which Hildebrand had been a martyr, and yet in the flush and vigor of early manhood, the new pope speedily showed a purpose to subject the whole world to his domineering will, and to make himself the ruler of the earth, the prince of princes. In a communication to the league of Tuscan communes, he averred that "as God created two luminaries, one superior for the day, and the other inferior for the night, which last owes its splendor entirely to the first, so he has disposed that the regal dignity should be but a reflection of the splendor of the papal authority, and entirely subordinate to it." He required an oath of allegiance from the prefect of Rome, thus abolishing forever the authority of the German empire over that city; he drove from the dominions of the Church the imperial feudatories, Conrad, duke of Spoleti and count of Assisi, and Marcwaldus, marquis of Ancona, and took possession of their territories in the name of the Roman See. He asserted the papal suzerainty over Sicily, and obtained from Constance, regent of that kingdom for her infant son, Frederick II, an acknowledgment of the pontifical claims; and, after the death of Constance, he himself assumed the regency. He decided the contest for the imperial throne in favor of Otho, the Guelph candidate (1201). He afterward, in 1210, deposed Otho, and caused his own ward, young Frederick II, to be crowned emperor at Aix-la-Chapelle, with the approval of the Fourth Lateran Council (1215). He excommunicated Philip Augustus, of France, because that monarch had repudiated his wife, Ingerburga,

of Denmark, and married Agnes de Meranie. The French king persisting in his defiance of the ecclesiastical and moral law, Innocent laid an interdict upon his dominions. The performance of public worship was strictly prohibited, the churches were closed, the dying were denied the consolations of religion, and the dead lay unburied. Neither Philip nor his subjects could long sustain the horrors of such a situation, and the king relieved himself and his kingdom from the papal curse by receiving back the wife he had discarded. When Alfonso IX, of Leon and Castile, took as his queen his own niece, the daughter of Sancho, king of Portugal, Innocent first remonstrated, and when remonstrance was found to be in vain, he laid the dominions of the offending princes under interdict, and did not remove the ban until the scandal ceased. John Lackland took an oath of fealty to the Roman See, and delivered to the papal envoy a charter testifying that he surrendered to Innocent and to his successors forever the kingdom of England and the lordship of Ireland, to be held as fiefs, on condition of the payment to the pope of a tribute of seven hundred marks of silver for England, and three hundred for Ireland. Peter II, of Arragon, voluntarily made himself a vassal of Rome, in order to secure his dynasty against the jealous ambition of his powerful lieges, and bound himself and his successors to an annual payment of two hundred pieces of gold. John, duke of Bavaria, Premislas, of Bohemia, and Leo, of Armenia, accepted kingly crowns from Innocent. John, of Bulgaria, had long boasted that he was a vassal only of the pope. Hungary was acknowledged by its monarch to be a fief of the Holy See, and Denmark bowed to the power which had vindicated the honor, and avenged the wrongs of her royal daughter. Even Norway felt the

weight of papal censure, * and distant Iceland listened with respect and fear to the admonitions of a legate from the court of Rome. But perhaps the crowning triumph of Innocent's reign was the subjection of the city of Constantine to the authority of the Holy See—and yet it was a triumph achieved in opposition to his expressed and oft-repeated injunctions addressed to the chiefs of the confederacy generally known as the Fifth Crusade, fearing, as he did—and correctly, as the event proved—that the over-

*The contest between Church and State in Norway is one of the most interesting episodes of early ecclesiastical history. Norway and the Norwegian colonies were erected into a separate archiepiscopal see by Cardinal Nicholas, afterward Adrian IV, as papal legate, and Trondhjem was selected as the metropolitan city. The Norwegian primate succeeded in bringing the kingdom almost wholly under his control. The realm was declared to be a fief of St. Olaf (the founder of Christianity in Norway), and the consent of the archbishop, as representative of the saint, was made indispensable to the choice of a monarch. The ancient form of electing the king by the verdict of twelve leading men from each district was so far retained as to allow twelve leading men from each diocese to join with the bishops and abbots in nominating a candidate for the throne, but the consent of the primate was requisite to make the nomination valid. A young man named Sverre, who had been educated for the priesthood, but whose daring and impatient temper better fitted him for a leader of armies, seized the crown, without respect to the established forms. The primate refused to consecrate the adventurer, who was sustained in his usurpation, however, by the general goodwill of the nation. Sverre applied to Rome for a papal legate to perform the ceremony of coronation, but his request was refused, and when Sverre caused himself to be crowned by his supporter, bishop Nicholas, Pope Alexander III excommunicated both the king and the bishop. Norway was subsequently placed under interdict, and rebellious ecclesiastics attempted to drive the people's sovereign from his throne by force of arms; but Sverre, with assistance from England, succeeded in crushing the rebels. The struggle between Church and State lasted through the reigns of several popes, but the papacy eventually renounced the claim of the archbishop of Trondhjem to control the nomination of the king. The Norwegian prelates continued, however, for many years, to be virtually independent of the throne, and to exercise all the rights of independent princes.

throw of the Byzantine empire would redound much more to the aggrandizement of Venice than to the advantage and glory of the Church. Like most, if not all of his predecessors who had been distinguished champions of papal supremacy, Innocent was blameless in his private life, an unflinching foe to immorality, and a stern enforcer of discipline among the clergy.

I have pursued the subject of the rise of papal power far enough for the reader to be able to comprehend the relations which existed between the papacy and the republics of mediæval Italy. The assertion of Boniface VIII (1302) in the famous bull *Unam Sanctam*, that "we declare it to be of necessity for salvation to every human creature to submit to the Roman pontiff,"* embraced in a few plain words the principle which Gelasius had proclaimed eight hundred years before, and for the sake of which Hildebrand died in exile—a principle, the active assertion of which did not cease until interdicts and anathemas no longer inspired terror in the nations, and an enlightened generation derided the superstition which had made their ancestors quake at the thunder of the Vatican.

Nothing in mediæval history is more striking than the independent attitude of the free communes of Italy toward the Roman See at the time when the papacy was in the meridian of its power. The republics of Florence and Venice never tolerated papal interference in their internal affairs, except when the pope, as the Vicar of Christ, offered his mediation to bring about peace between contending factions. Venice always opposed with dignified firmness the extension of ecclesiastical jurisdiction beyond the strict limits of the ecclesiastical province, and the great Arrigo

* "*Subesse Romano pontifici omni humane creature declaramus esse de necessitate salutis.*"

Dandolo even treated with courteous but stubborn indifference the insolent mandates of Innocent III. While kings and emperors were cowering before the pope, the Venetians did not deign even to crave the absolution which he was willing to bestow for an imaginary political offence. No doge of Venice ever went to Canossa, or accepted from papal hands the ducal berretta.

Florence was on more than one occasion involved in hostilities with the Holy See, and the plucky little commune may be said to have seceded for a time (about 1378) from the Church of Rome. Ecclesiastics were compelled to acknowledge the supremacy of the State, and to pay taxes which furnished the sinews for a war which was being waged against the pope, and they were even obliged to celebrate mass, and perform their other functions, just as though the Holy See no longer exercised spiritual jurisdiction in the republic. This manly independence, contrasting so strongly with the abject submissiveness of despotic governments to the Roman court, was the expression of the self-reliance and self-respect fostered in a nation by free institutions. Every citizen of a republic under the papal ban regarded the interdict as a visitation for which he was himself partly responsible, and the sense of that responsibility inspirited him to sustain with dignified equanimity inconveniences which would otherwise have been unbearable. The Roman pontiff could control a whole kingdom by bringing a superstitious monarch to his knees, but a multitude of self-governing and self-reliant freemen were more difficult to deal with, and popes who did not hesitate to make unrelenting spiritual warfare upon emperors and kings, learned, by vexatious experience, to avoid an issue with the clear-headed citizens of the Italian communes.

CHAPTER XIX.

THE LOMBARD COMMUNES.

- Part I.—Italy in the Ninth Century—The Proprietors and the Cultivators of the Soil—Relations between Lords, Vassals, and Serfs—Gradual Emancipation of the Communes—Growth of Democratic Institutions—Citizenship—The Consuls—The Senate—Duties of the Senators.
- Part II.—Rivalry between Milan and Pavia—Ghibelline and Guelphic Cities—Frederic Barbarossa Suppresses Local Self-government in Lombardy—Destruction of Milan—The People Grievously Oppressed—The Lombard League—Barbarossa Forced to Recognize the Ancient Rights of the Communes.
- Part III.—Prosperity of the Communes—Revival of Art—Milan again a Great City—The Castellated Dwellings of the Nobles—The Guilds, or Companies of the People—The Podesta—Growth of Dissensions between the Nobility and the People—The Guelphs and Ghibellines—Rival Families and Factions—Ferocity of Partisan Strife.
- Part IV.—The Second Frederic—Pope Gregory IX—Frederic Excommunicated—The Holy See and the Lombard League—Eccelino da Romano—His Infamous Character—War between the Emperor and the League—Eccelino's Blood-stained Reign—Death of Frederic—Fall of Eccelino.
- Part V.—The Lombards and the Angevine Dynasty—Gradual Overthrow of Republican Government in the Lombard Cities—The Visconti become Paramount in Milan and in Lombardy.

I. The tendency of feudalism, as I have before pointed out, was to concentrate landed property within the control of large proprietors. The unsettled condition of affairs in the ninth century made it advisable, if not absolutely necessary, for the owner of a few acres to become tributary

to a powerful lord who could afford him protection in return for military service and a stated rent or tribute.* The cultivator did not wholly surrender his independence, or his right of ownership in the soil. The unwritten law of custom forbade that he should be reduced to degrading servitude, or deprived of the property which he tilled as his own. Besides landowners who had descended to the level of tributary cultivators, there was a numerous class of serfs who were elevated in the social scale by the apportionment to them of small tracts of land which they tilled, and to which they gradually acquired the title which long occupation conveys. These serfs followed their masters to the field, and were practically as free as the tributary cultivators, especially as, in course of time, the tenure by which the latter held their lands became more and more burdened with exacting and oppressive conditions. The lord exercised high jurisdiction over the lives and property of his vassals and servile subjects, and the rights of the latter were not insured by any charter or guarantee.

In the cities the nobility predominated, as in the country, but the artisans were gradually emancipating themselves from serfdom, and the profits of their industry enabled them to support their families in a comfortable style, which contrasted strikingly with the general penury of the rural population. The skilled laborers of the villages were naturally attracted by the prospect of freedom and large earnings to the cities, which grew rapidly in wealth and in the number of inhabitants. The nobles of the cities were

*The obligation on the part of the lord toward his vassal was protection and defence; on that of the vassal homage and allegiance, whereby he bound himself to be faithful to his lord; to follow his standard in war; to seek his advantage; to counsel him to the best of his ability; to aid and assist him; and to reveal to him anything that came to his knowledge likely to do him any injury.

not averse to a movement which added to their revenues by increasing the value of their property, and they appear to have encouraged, in early times at least, the growth of the communes in which they lived. The bishops were usually at the head both of civil and ecclesiastical affairs, and, as they were elected by the clergy, the nobility, and the people, they represented every class of the community, and were respected and obeyed by all.*

There seems to be no historical foundation for the averment made, on the unsupported authority of Sismondi, that the emperor Otho endowed the Lombard communes with those liberties which were the foundation of their greatness. The institutions of freedom were of slow growth in Lombardy, as everywhere else. The plant of liberty does not spring up like Jonah's gourd; nor does it wither in a day. The meagre chronicles of that age give us but few glimpses of the progress of the Lombard communes from servitude to freedom, but it is safe to assume that each step was taken slowly, perhaps painfully, and that the rights so bravely defended were not easily or cheaply gained. It may also be assumed that the shrewd and magnanimous policy of Otho and his successors of the Saxon line fostered

*From the reign of Aribert, (653) the archbishop of Milan appears to have exercised great influence in the affairs of Lombardy, although both the prelate and his clergy were subordinate to the ruling princes. When the Carlovingian empire began to decay, and the reins of royal authority to be more loosely held, the civil power of the episcopacy, both in Milan and in other Italian cities, proportionately increased, until they came were regarded both as civil and spiritual directors in their respective communities. The patriarchs of Aquileia, for instance, became sovereigns of Friuli, and feudal lords of Carniola, and continued for centuries to be independent princes, exercising all the prerogatives of sovereignty, such as making war and forming alliances. In the communes, however, the civil jurisdiction of the episcopacy declined with the growth of republican institutions.

the growing independence of the Lombards. Otho probably saw that his great vassals were too powerful for him; that in Italy, at least, his crown signified dignity without authority, and that instead of being the superior of his princes, their position was to all intents and purposes equally sovereign with his own. He was, therefore, no doubt inclined to view with favor the rise of a new power, attached to the imperial line by ties of gratitude and of interest, which might counterbalance the nobles. It is certain that about the close of the tenth century the communes began to emancipate themselves from ecclesiastical tutelage, and that, in course of the eleventh century the plebeian citizens asserted their rights in opposition to the feudal aristocracy. The municipalities rapidly developed strength and energy which showed that the old spirit had only been asleep, and needed but the occasion to arouse it. The titled robbers whose castles were perched upon the fairest hills of Italy were taught to fear the armed bands of brave citizens, and the communes began to be formidable, as well as independent.

The long struggle between the papal and imperial power, which followed the accession of the Franconian emperors, gave the Lombards ample opportunity to add to their resources, and to establish self-government upon a firm foundation. They elected their own officials, enacted laws for local purposes, and maintained armies for defense and aggression. The communes were virtually enfranchised from the central authority, which was only enforced when necessity arose for the exaction of largesses to replenish the imperial treasury. Political privileges were confined, however, to a comparatively small part of the population. The people did not include all the inhabitants of a commune, or even a considerable proportion of them, the ordinary multi-

tude of freemen, as well as serfs and slaves, being excluded from civic rights. The people, were, therefore, a select and substantial class, consisting of the resident nobility and the well-to-do plebeians. Citizenship was a highly valued privilege, and the utmost caution was observed to prevent the admission of unqualified persons to the enjoyment of civic honors, and also to prevent office-holders from abusing their trust for the purpose of usurpation. The people were the only source of authority, and they delegated power for but a very brief period to any member of the political body. Two consuls presided in the councils of the State, administered justice, and commanded the armies. A Senate, or select council, was charged with the supervision of the finances and of internal affairs, and the direction of the foreign affairs of the commune. It was likewise the duty of the Senate to prepare subjects for submission to the assembly of the people, and the decision of the assembly was the final and absolute verdict upon all questions laid before it. The magistrates appear to have been usually, if not invariably, selected from the body of the nobility by the suffrage of the citizens.

II. Milan, formerly the seat of empire, and Pavia, the ancient capital of the Lombard kings, surpassed all other communes of northern Italy in riches and in strength, and each was the centre of a confederacy hostile to the other. Milan was by far the most powerful city, and was reputed to be the strongest fortress in the peninsula. The Milanese extended their dominion at the expense of their western neighbors, and statelings which dreaded absorption looked to the German emperor for protection against the aggressive commonwealth. The communes which favored the pretensions of the imperial house of Hohenstauffen to absolute sovereignty in the peninsula were distinguished by the

appellation of Ghibelline; and those which upheld the cause of native self-government and independence were called Guelph. Pavia was the chief of Ghibelline cities, and among her allies were Lucca, Cremona, Treviso, Verona, Padua, and Aquileia; while the Guelphic cities, which included Crema, Cairo, Piacenza, Asti, Rosate, and Tortona, concentrated their strength and influence in Milan. Such was the attitude of the Lombard republics toward each other and their nominal suzerain, when Frederic Barbarossa joined his army at Constance, in the October of 1154, with the purpose of marching into Italy, and reducing the whole of Lombardy under complete subjection to the iron crown, which he was soon to wear. Frederic, as I have previously said, respected the rights of others, but he also believed in maintaining his own to their fullest extent, and he regarded the Milanese and their confederates as insolent and unruly vassals, whose assumed independence was an affront to the majesty of his throne, and a usurpation of his imperial prerogatives. The emperor was sustained in his pretensions by the esteem and affection of his people, who fondly cherished the hope that their brave and handsome sovereign, the manly graces of whose person were equaled by the noble qualities of his mind, would revive the glories of Charlemagne, and restore the lustre of the purple. The Germans gave Frederic enthusiastic support in his schemes of conquest, and his assembled warriors eagerly awaited the bidding of their commander to march into Italy.

While the emperor was yet at Constance, an embassy arrived from Lodi to implore his aid and protection against the Milanese, who had burned the suburbs of the place, and grossly maltreated the inhabitants. Barbarossa, no doubt gratified to have such an excuse for interfering in the affairs of the Lombard communes, sternly commanded the Milan-

ese to make reparation for the damage they had inflicted. The latter treated the imperial mandate with derision, and their consul, in token of the contempt in which the commune held the emperor, trampled his communication under foot. Such audacity was so astounding and so unexampled that Frederic did not at first credit the news brought by his deputies; but, when convinced that their statement was true, his rage was unbounded. He abruptly quitted Constance at the head of his army, and crossed the Alps to Ronceval, near Piacenza, where he planted the golden eagle, and awaited the homage of the delegates of the cities, and the vassals of the empire. The Ghibellines promptly obeyed the imperial summons; the Guelphs disregarded it, and the Milanese reiterated their defiance. The hot temper of Frederic was aroused to its highest pitch. Pride and policy alike demanded that the most exemplary punishment should be visited upon the rebellious city; but his anger did not prevent him from proceeding with the caution and judgment that befitted an able commander. He determined to weaken the Guelphic league by detaching from it the minor towns, before making an attack upon a city whose fortifications were almost impregnable, and whose inhabitants were well provided with all the requisites for a stout defense. He captured and garrisoned Cairo, Asti and Rosate, and, provoked by the heroic resistance of Tortona, he leveled that city to the ground. He then went to Pavia, where, amid the acclamations of a Ghibeline multitude, he assumed the iron crown. Thence he marched to Rome, and received at the hands of Adrian IV the golden diadem once worn by Charlemagne. After a brief sojourn in the once imperial city Barbarossa took leave of the pope. His army had found the conquest of the Lombardy no easy task. The Guelphs resisted with desperate valor every advance move-

ment of the invaders, and although success attended the imperial arms, it was dearly bought by the blood of the flower of the German youth. Frederic determined to leave the fate of Italy suspended for awhile in the balance, while he devoted his attention to affairs in his northern empire, and he led the remnant of his once formidable legions back to their native land.

Up to this period the Church could not be considered as friendly to the independence of the Italian communes. On the contrary, several collisions in regard to questions of ecclesiastical supremacy and discipline had served to embitter the popes against the free cities. But in the latter part of the reign of Adrian, when Barbarossa's refusal to yield to the pretensions of Rome alienated from him the countenance of the pontiff, the friendship of the Guelphic cities became important to the Holy See, and an alliance was formed which lasted until after the downfall of the dynasty hated alike by the communes and the popes. The Sacred College, like every other body of public men in Italy, was divided between the two factions of Guelphs and Ghibellines, and, after the death of Adrian, the partisans of each nominated a candidate for the vacant tiara. Frederic espoused the pretensions of Victor, the Ghibelline claimant, and Alexander III, who was accepted by the western hierarchy, outside of the imperial dominions, as the real successor of St. Peter, was driven into exile. Being under the ban of the empire, Alexander had, of course, the warm sympathy of the Guelphs.

Such was the situation of affairs in the peninsula when Barbarossa again crossed the Alps, this time at the head of an irresistible host recruited from the length and breadth of his transalpine dominions. Milan was compelled to capitulate (1158), and the whole of Lombardy acknowledged

the supremacy of the emperor. Frederic summoned a diet at Roncaglia, and, Hallam says, "the bishops, the higher nobility, and the lawyers vied with one another in asserting his prerogatives." The regalian rights of the crown were defined in such a manner as to exclude the cities and private proprietors from coining money, and from collecting tolls and dues, but the continuance of the privileges was authorized on payment of a regular tribute to the imperial treasury. The emperor appointed a magistrate with the title of podesta in every city, to administer justice concurrently with the consuls. In Milan the consuls were superseded by the podesta, and the commune was likewise deprived of a portion of its territory.

The Milanese took advantage of the absence of Frederick from Italy to again assert their independence. The imperial podesta was expelled, the old form of government was restored, and the citizens made vigorous preparations for war. Their example was followed by other Guelphic communes, and the emperor was compelled again to take the field.

In July, 1159, Frederic opened the campaign by laying siege to Crema, one of the principal members of the Guelphic League. Crema yielded to the pressure of famine in the following January, 1160. The rest of the year was spent in negotiations with Pope Alexander, and in awaiting reinforcements which gradually arrived from Swabia, Hesse, the Rhenish provinces, and Bohemia. The siege of Milan was, therefore, not begun until August, 1161; and seven months elapsed before the besieged, reduced to the lowest degree of misery and distress, offered to capitulate. The Milanese were ordered to evacuate their habitations; the nobles were compelled to walk out of the place barefoot, their naked swords suspended from their necks, and the

deserted streets were at once occupied by imperial troops. The people of Pavia, of Cremona, Lodi, and Como were invited to join in the work of spoil and destruction. The *palladium*, a tree bearing a cross, was cut down with a German axe, the walls and fortifications were razed, and the houses were leveled with the ground. In a few days only the churches stood where Milan had been. The inhabitants were dispersed in villages, and forbidden to return to the site of their once magnificent and powerful city.

Frederic abolished the consular regime even in the communes which had adhered to his cause, and put a podesta in command. This officer was always a stranger, and frequently not even an Italian, so that he was free from local connections and sympathies, and likely to keep in view the single purpose of advancing the interests of his imperial master. Having, as he supposed, established his authority in the peninsula on a firm footing, the emperor appointed Reinold, archbishop of Cologne, his lieutenant, and went back to Germany.

The Lombards were oppressed with almost intolerable burdens. Two-thirds of the produce of their lands was, in some cases, extorted by the tax-gatherer, and even the cities which professed attachment to the emperor were exasperated by the cruelties and exactions of his agents. Appeals for redress were either unnoticed, or answered with vague and indefinite promises, and but for the bitter and relentless animosity engendered between the communes by many years of jealous and hostile rivalry, the whole of Lombardy would soon have been in a blaze of revolt. At length the patience even of the Ghibellines became exhausted, and they agreed to forget old hates and join with the Guelphs in defense of their common liberties. The famous Lombard League was

formed at Pontida, May 29, 1167, by the delegates of Padua, Treviso, Vicenza, Verona, Ferrara, Brescia, Bergamo, Milan, and Piacenza; and prior to the close of the campaign the act of confederation was subscribed to by Parma, Lucca, Modena, Bologna, Reggio, Vercelli, Lodi, Como, Novaro, and *Alexandria*, a city founded in a rich plain on the south side of the Po, as a check to Pavia and to the Marquis of Montferrat, and named in honor of Pope Alexander III, the victim of Barbarossa's persecution, and the recognized champion of the Guelphs. It was agreed that the alliance should last for twenty years, and the allies pledged themselves to make no peace with Frederic until their municipal rights and privileges had been placed on a secure and firm footing, and to oppose a united resistance to any one who should exact from them more than they had been used to perform from the time of Henry (which Henry is not stated) to the first coming of Frederic into Italy. The instrument which asserted the rights of the Lombard citizens deserves a place in history with the American Declaration of Independence, the Edict of Forfeiture promulgated by the United Provinces, abjuring allegiance to Philip of Spain, and the simple compact framed beneath the midnight stars on the banks of the lake of Uri. It was worthy of a noble people, and worthy of the grand struggle terminated by the battle of Legnano.

It is needless to recite the vicissitudes of the contest which ended so gloriously for the Lombards; and the results of which were sealed by the Peace of Constance, in 1183. By that treaty the cities of the Lombard League were confirmed in the enjoyment of their regalian rights, both within their walls and the districts over which they exercised jurisdiction. They could maintain armies, levy war, erect fortifications, and administer civil and criminal

justice. Consuls and other magistrates were to be nominated by the citizens, and receive the investiture of their offices from the imperial legate. The emperor was likewise authorized to appoint an officer in every city to hear appeals in civil causes. The Lombard League was confirmed, and the communes were permitted to renew it at their own discretion. Once in every ten years the Lombards were to take an oath of fidelity to the emperor, and they were required to contribute the customary provisions upon the occasion of an imperial visit to Italy.

There was no permanent diet of the Lombard League. The consuls and podestas of the several cities occasionally met in congress to deliberate upon measures of general safety; and thus assembled were called *Rectores Societatis Lombardiæ*; but they had no power to direct the League as a body to take any action.* It was unfortunate for Lombardy that a firmer bond of union was not established between her communes. The independent existence of the towns, while in one respect a source of strength, inasmuch as it developed to its fullest extent the activity of the people, was yet a cause of weakness, on account of the discord, jealousy, and opposition of interests which were engendered. The patriotism of the Italian was too often confined within the walls of his native city, and the communes, pursuing their own private views, lost sight of

* During the reign of Pope Innocent III the cities of Tuscany, with the exception of Pisa, established the Tuscan union "for the honor and aggrandizement of the Holy See," and bound themselves to defend the possessions and rights of the Church, and not to acknowledge any king or emperor whom the Roman pontiff should not approve. This union, like the Lombard League, was an expression of the growing sentiment of Italian nationality, and hatred of foreign domination, which animated alike the breast of the Roman ecclesiastic, and the citizens of Milan and of Florence.

the interests of the League in general, and even of their own as members of it.

After the peace of Constance the constitutions of the communes composing the Lombard League underwent an important and peculiar modification. Barbarossa, when Lombardy was at his mercy, had appointed officers called *podestas*, who superseded the consuls elected by the citizens. The *podestas* had been expelled when the Lombards threw off the German yoke, but now that independence had been achieved, the office was generally re-established by the voluntary act of the communes. The *podesta* was elected for one year, either by the people at large, or by a select number of citizens, according as the constitution was more or less aristocratic. It was necessary that the *podesta* should be chosen from a State at least fifty miles distant from that over which he was to preside, the object being to have a chief magistrate untrameled by association with any local party, and to whom the heads of the haughtiest houses could pay homage without mortifying their self-esteem. The men invited to the delicate and important position of *podesta* were of the highest character in the communities in which they resided, and the fact that the custom became widespread, and lasted for centuries, indicates that it served the object for which it was designed.* The *podesta* took precedence of every other person in the city. His official costume was a long robe of scarlet cloth. He remained in

*The Lombard cities usually chose their *podestas* from among the members of the Great Council of Venice, as Venice had the double advantage of being an Italian State, and, at the same time, of being almost foreign to the factions whose rivalry rent the municipalities. In 1232, during the dogate of Jacopo Tiepolo, Pietro Tiepolo, the doge's eldest son, was *podesta* of Milan, the first of the Guelphic cities; Reniero Zeno held the same office at Bologna, Michele Morosini, at Faenza, Marino Dandolo, at Treviso, and Marino Badoer, at Padua.

office one year, and his authority usually included the administration of both civil and criminal law. In some States he superseded the consuls, and commanded the armies in war; in others his jurisdiction was merely judicial. He received a fixed salary, and was obliged to remain in the city for a certain time after the expiration of his term of office, for the purpose of answering any charge against his conduct. He could not marry a native of the city which he governed; he could not eat or drink in the house of any citizen, and none of his relatives were permitted to reside within the commune.*

III. During the thirty-seven years which elapsed between the termination of the War of Independence, by the Peace of Constance, and the accession of the Second Frederic to the imperial throne, the Lombard republics waxed in wealth

* The custom of electing a foreign podesta is still maintained in the republic of San Marino, on Monte Titanus, about twelve miles from Rimini.

As San Marino is the only place where mediæval forms of republican government survive, it may not be amiss to describe the condition and constitution of the little State. The area is sixteen square miles, and the population is about nine thousand, of whom nearly two thousand are liable to military duty. The governing power is vested in a council of sixty persons, called the *Consiglio Principe*, which has subsisted without substantial alteration since the close of the fourteenth century. The Sovereign Council is equally composed of nobles, burgesses, and small proprietors of land. The members of the Council hold office for life, and vacancies are filled by a vote of the body. This form of election would hardly seem to carry out the definition of liberty given by the Marinese to Ranieri, the abbot of Anastasia, who was employed by Pope Boniface VIII to look into the condition of affairs on Monte Titanus—that “the men belong to themselves, because they owe no homage to any one among themselves, but only to the Master of all things.” From among the sixty a select council of twelve is chosen, with two captains, or a captain and a defender, one of whom must be a nobleman, and the other a burgess, or a countryman, who hold office for six months. The podesta acts as a judicial officer, but serious offenses are referred to the Italian courts.

and in power. Each commune was a sovereign State, electing its own magistrates, enacting its own statutes, making war and forming alliances. Trade and commerce flourished under the protection of law, and the young republics were the centre of a wonderful revival of art, the seats of a school of painting and sculpture, and of a style of architecture which was alike the child of Greece and of the hardy Gothic north. The churches were enriched with graceful statues, precious stones, rare paintings, and altars that were solid masses of silver. Italy seemed to be rejoicing in the aurora of freedom's day, but, alas, the sky so bright with promise was soon to be overcast, the liberty of those communes which had vanquished the hosts of Barbarossa, and which afterward shook off by a mighty effort the yoke of the blood-stained Eccelino, was soon to be strangled, not by a foreign conqueror, but by native usurpers.

Milan had grown to be far more prosperous and powerful than before the destruction of the city by the first Frederic. The strength of the ramparts, with their bristling bastions and frowning towers, appeared to be capable of defying the utmost skill of mediæval engineers, while the numerous force of cavalry and infantry in the service of the commune seemed to be able to repel any invader. The nobles, or gentry, lived in streets distinct from those of the plebeian burgesses. The residence of a nobleman was built of massive masonry, sometimes buttressed, and fortified with towers of lofty height, from which missiles could be projected with deadly effect. There were no windows, but only apertures covered with immense wrought-iron grates. The castellated dwellings of families descended from a common ancestry adjoined each other, so that united resistance could be opposed to the attack of a hostile house, or the rage of the populace. The tradesmen were organized in guilds, or

companies, with consuls, gonfalons (or banners), and rules for their internal government. The guilds were military organizations, as well as associations for mutual benefit, and whenever a highhanded act of some hereditary aristocrat provoked the indignation of the plebeian burgesses, the latter gathered under their company standards to assist in enforcing justice. The guilds were, however, themselves essentially aristocratic, for the lower class of people—the ordinary wage-earners and laborers—were rigidly excluded from enjoying their benefits. Nevertheless the guilds represented freedom, progress and energy. They were the soul of the commonwealth, and without them the State would have been an oligarchy of warring nobles.*

About the year 1220 the quarrels between the nobles and the people appear to have assumed the aspect of civil

* Guilds appear to have existed in the free towns of Holland long before the Lombard cities achieved self-government. This was owing to the happy situation of the Hollanders, as well as to the progressive character of the people, for, during the dark ages which followed the collapse of the empire of Charlemagne, Holland was singularly free both from internal dissensions and foreign aggression.

In the towns of Holland a deacon was placed at the head of each guild to regulate its affairs and protect its interests. Each guild inhabited for the most part, a separate quarter of the town, and over each quarter two officers called "Wykmeesters," were appointed by the burghomasters. It was the duty of these officers to keep a list of all the men in their district capable of bearing arms, to see that their arms were sufficient and ready for use, and to assemble them at the order of the magistrates, or upon the ringing of the town bell. The citizens were bound to obey the summons without delay, at any hour of the day or night. The wykmeesters were subordinate to two, three, or four superior officers, called "Hoofdmannen," or captains of the burgher guards. The guilds, when called to service within the town, assembled and acted each under their own banner; but in defence of the State they were accustomed to march together under the standard of the town, and dressed in the city livery. As every member of a guild was expected to have his arms always ready for use, and the burgher guards were

war, and in Milan, Piacenza, Modena, Cremona, and Bologna, the question of aristocratic or popular supremacy was tried by force of arms. The contending factions fought under the old party names of Guelph and Ghibelline, the former being applied to those who favored a liberal government, while the latter was assumed by the supporters of an exclusive, or oligarchical system. Sometimes rival factions in a city adopted the feud of two rival families. At Bologna a young lady, Imilda de' Lambertazzi, loved Boniface, a member of the house of Gieremei, between whom and the Lambertazzi existed the most bitter hostility. Imilda and Boniface were surprised in a secret interview by the brothers of the former, who stabbed their sister's friend with poisoned daggers, and left him to perish. Imilda tried to suck the poison from the wounds, but she only imbibed the frequently mustered and drilled under the inspection of burgomasters and sheriffs, the towns were able to man their walls, and put themselves into a state of defense in an incredibly short space of time.

There was a marked difference between the status of the guilds in Lombardy and those in Holland. In Holland all the citizens, or burghesses, of a town were members of the guilds. There was no civic nobility—or rather, no feudal nobility sharing in the civic administration—as in Italy. Consequently the towns of Holland were free from an element which served to keep the Italian republics in almost unintermittent strife. In Holland the municipal government of the towns extended over a certain space without the walls, which the burghers enlarged as they found occasion, by grants obtained from the Counts of Holland by favor or purchase. The portion of the country not included within town limits formed the domains of the nobles, or abbeys, or was governed by bailiffs appointed by the Count. Thus self-governing communities of traders existed side by side with the feudal nobility, each class being independent of, and separate from the other. In the Italian cities, on the other hand, the nobles and the traders lived within the same walls, and were members of the same community, and were engaged in perpetual broils and civil war.

See the sketch of Florentine constitutional history, for a full description of a protracted struggle between the nobility and the wealthy trading class.

fatal drug into her own veins, and she died by the side of her lover. Both families prepared for a fierce and unrelenting struggle. Not only Bologna, but neighboring communes took part in the conflict, and, after a sanguinary contest which lasted for forty days, the Lambertazzi and their Ghibelline adherents were driven from Bologna. Twelve thousand citizens were proscribed, their houses razed to the ground, and their property confiscated to the use of the State. Not less fierce and merciless was partisan hate in other communes of Italy, and every stone of those mediæval palaces which have survived the corrosion of time and the rage of war, might tell a tale of frightful tragedies, and of the play of ungovernable passions, of seditions, revolutions, and riots, which surged around their base, and beat against the gloomy gigantic walls. Occasionally the intervention of the Roman pontiff, or the imminence of danger from without, induced the combatants to lay aside their arms, and patch up a hollow truce, but the contest was renewed, sooner or later, until one or the other of the rival parties yielded in utter exhaustion, to a fate which it could not avoid.

IV. The Second Frederic, like his grandfather, Barbarossa, was a man of great genius and commanding mind, of a pride which rarely stooped to please or persuade, and of a generous but impatient and overbearing temper. His grand aim was to effect the consolidation of the dominions which acknowledged his suzerainty, to give the whole empire one general system of government and one code of laws, with the emperor directing and controlling everything—a Cæsar in fact as well as in name. Like Barbarossa, Frederic attempted at first to conciliate the Holy See, and like him he found that the Roman court would be satisfied with nothing short of the most utter and degrading

subserviency. Gregory IX, (Ugolino) who ascended the papal throne in 1227, was a fitting successor of Hildebrand in his assertion of supremacy over the temporal princes of the world, while he lacked the stern austerity which characterized that pontiff, and which was so becoming in one who claimed, as the Vicar of Christ, to be superior to earthly power, and to hold earthly grandeur in contempt. His consecration was a scene of almost unparalleled magnificence. He celebrated Mass in St. John Lateran in vestments of gold, incrustated with precious stones, and he made his triumphal passage through the city upon a richly caparisoned steed, and surrounded by cardinals clothed in purple and gold, while the streets were covered with carpets, and decked with flowers. He speedily placed himself in an attitude of hostility toward Frederic, and found a pretense for excommunicating the emperor, and releasing his subjects from their allegiance. Thus was renewed the conflict between Rome and the imperial House of Hohenstauffen, which did not cease until Conradin, forty years later, went from a cell to the scaffold. In that conflict the Guelfs throughout Italy were the active allies of the Church.

Unfortunately for the reputation of Frederic, he selected as his instrument in Lombardy a man whose detestable qualities little fitted him for association with a great and in many respects an excellent sovereign. Ececelino da Romano was a type of the "Prince," as described by Machiavelli. His heart was cold, his conscience seared; pity and mercy seemed to be alien to his nature. He lived only to gratify his lust for dominion, and he trod with iron heel upon the rights of mankind. He was cruel because he knew that cruelty inspired terror, and he spared no one who stood in the path of his ambition.

The dissensions between the Guelphs and the Ghibellines were highly favorable to the imperial cause. Padua, notwithstanding a gallant and strenuous resistance, fell into the power of Eccelino; Treviso was forced to yield to the imperial arms, and Vicenza, Brescia, and Faenza were taken by assault. The Milanese, with their allies of Vercelli, Novaro and Alexandria, took up, under the command of their Venetian podesta, Pietro Tiepolo, a strong position, within a short distance of Manerbio, on the Oglio, prepared to dispute the passage of that river with the victorious army of the emperor. Frederic, by a masterly manœuvre, succeeded in impressing the confederates with the belief that he was withdrawing to Cremona, owing to the approach of winter, and would not resume operations until the following spring. The Milanese and their allies thereupon abandoned their position, and prepared to return home. Frederic, in the meantime, as soon as he was out of sight of the confederate camp, had turned aside from the road to Cremona, and marching with great rapidity across the country, had posted himself on the high road to Milan, at a point where his army was concealed from observation by a wood. The troops of the League, when they reached Cortenova, were taken completely by surprise; and in the battle which ensued they were utterly defeated, and among the prisoners who fell into the hands of Frederic was the Milanese general, Tiepolo, (Nov. 27, 1237).

In the exultation of triumph Frederic forgot the prudence which had guided him to victory, and, at the instance of Eccelino, he ordered the decapitation of the captive podesta. Venice was not slow to avenge the death of the son of her beloved prince, and the commonwealth entered into a concordat with the pontiff, Gregory IX, by which both parties bound themselves to make war upon the

emperor, to ravage his dominions, and to deprive him of his kingdom of Sicily, and to entertain no propositions for peace without mutual consent. During the campaign which followed this alliance the important city of Ferrara was wrested from the imperialists, and Azzo VII, Marquis of Este, was reinstated in his patrimony as a feudatory of the Holy See.

The loss of Ferrara was a serious blow to the haughty and sensitive Frederic, and he found, too late, that he had paid dearly for the blood of Pietro Tiepolo. He soon afterward made indirect overtures of peace, and the Venetians, who never lost sight of their commercial interests, thought it best to withdraw from active operations against an emperor, who, previously to the black and ill-judged act which had aroused their resentment, had conferred many favors upon the republic, and who was still inclined, for the sake of a renewal of friendly relations, to extend to them indulgences of a most valuable kind. The result was that Venice, while her sympathies were still with the Guelphic confederacy, to whose bond of union there is every reason to suppose that she had, at an early period subscribed, ceased to take an aggressive part against the imperial cause, and left the democratic communes of Lombardy to carry on the struggle alone.

For twenty years Ezzelino da Romano reigned paramount over Padua, Vicenza, and Verona, and gradually extended his conquests until he threatened to bring the whole of Lombardy under his barbarous rule. In his capital of Padua hundreds of unhappy beings wasted their existence, year after year, in noisome dungeons, their fate being all the more terrible to their friends on account of the mystery with which it was veiled. He hesitated at no expedient, however base, at no crime, however monstrous,

in achieving his aims. The weak were paralyzed by the terror of his name, the strong were overcome by craft or by force. His brother Alberigo, (1256) was master of Treviso; he could count upon the alliance of Cremona, Piacenza and Parma, and the strife which was raging between the rival factions in Brescia offered a favorable opportunity for Eccelino, as champion of the Ghibelline interest, to add that city to his dominions. On the other hand, the strength of the democracy lay in Mantua, Milan, Ferrara, and Bologna, while Venice, without openly espousing, was known to be favorable to the popular cause, and fugitives from imperial tyranny found a secure shelter in her lagoons.

Frederic II died on the 13th of December, 1250, while still plunged in the hopeless but heroic struggle against the Holy See and Italian liberty; and loyal Germany forgot the tyrant in remembering the virtues of the king. He left behind him in his natural son, Prince Manfred, a worthy heir of his genius and of his courage, but an heir also of the unrelenting hostility with which the Roman Court regarded the House of Hohenstauffen. The success of Manfred in consolidating his power in southern Italy, and the increasing vigor of the Ghibellines in the north, excited the jealous apprehensions of Pope Alexander IV, and in 1256 a coalition was formed, at the instance of the Vatican, with the object of rescuing Lombardy from the despotic rule of the Romano family. Filippo Fontana, archbishop of Ravenna, as legate of His Holiness, preached the Cross against the common enemy of freedom and of mankind. The Venetians and Lombards thronged to the sacred standard, and Padua was invested by a formidable army. Eccelino had led a large body of troops in the direction of Brescia, with a view of reducing that commune under his sway, leaving the defence of Padua to his nephew,

Ansedisius da Guidotti, a man devoid of military talent. The allies hastened to storm the city before Eccelino should have time to return to the relief of the garrison. A happy accident favored the attacking force. An enormous machine, known as a tortoise, which had been planted against one of the gates, to cover an assault, was ignited by fire from the ramparts. The machine was consumed, but the flames were communicated to the wooden gate, and the besiegers dashed through the burning mass into the panic-stricken city. The chains were stricken from the limbs of Eccelino's victims, and they crawled from the dark cells in which they had been immured into the sun-light which they hardly dared to hope that they would ever see again. Eccelino himself was fatally wounded, a few days afterward, in attempting to cross the Adda, and an infamous career was thus terminated by an honorable death. The triumphant crusaders pursued with vindictive ferocity the surviving branches of the Roman family, and Lombardy was free from the nightmare which had rested upon it for nearly a quarter of a century.

V. The Lombard communes found that in throwing off the imperial yoke they had simply made a change of masters.* The Angevine dynasty of Naples, sustained by the patron-

* Frederic II was succeeded by his eldest legitimate son, Conrad IV. Conrad, like his father, was pursued by the vindictive hostility of the Holy See, and worn out by vexation and disappointment, he died, May 21, 1254, leaving an infant son named Conradin. Manfred, prince of Taranto, to whose extraordinary talents and enterprising character I have previously alluded, undertook the regency of the Sicilies for his nephew, and assumed the royal dignity in 1258. Urban IV and Clement IV excommunicated Manfred, and offered his throne to several princes, on the ground that Sicily was a fief of the Holy See. Charles of Anjou, Count of Provence, the youngest brother of Louis IX, of France, received the crown as a feudatory of the pope, agreeing at the same time to pay an annual tribute of eight thousand ounces of gold. Charles, after being consecrated king at Rome, marched against Manfred at the

age and influence of the Holy See, demanded and received the homage of the Guelphic cities. Alexandria proclaimed Charles of Anjou her lord, and Milan, Bologna, and other Lombard States paid him tribute. Nevertheless, the House of Anjou did not attempt to abolish the democratic constitution of the communes. The relation of the Sicilian monarch toward the northern Guelphs was rather that of an ally and a protector than that of a sovereign, and very different from the substantial and despotic jurisdiction which the House of Hohenstauffen had endeavored to establish.

head of an army of so-called Crusaders, who had answered the summons of Pope Clement to make war upon the "infidel usurper." Charles defeated and killed his competitor in 1266, at the battle of Grandella, near Benevento, and soon succeeded in bringing both the Sicilies under his dominion.

Meantime the boy Conradin had begun to display in a marked degree the noble qualities of his mighty ancestors. False friends, who were ambitious to appropriate the German possessions of the House of Hohenstauffen, urged the sanguine youth to attempt to regain his Sicilian inheritance, and, at the head of a force of ten thousand men, he crossed the Alps in answer to an invitation from the Ghibelline cities of Lombardy. As soon as Conradin's treacherous relatives had persuaded him to part with his German patrimony for money to meet his necessities, they deserted him with their followers; but the Italians were faithful to his cause, and he marched with a large army to wrest his father's crown from Charles of Anjou. The French were worsted, but Conradin's men, thinking the victory secure, dispersed too hastily in search of plunder. Charles recalled his forces and fell upon the scattered enemy. The Ghibellines were utterly routed, and Conradin himself was captured. The young prince, barely sixteen years of age, was beheaded, by order of his captor, in the market place of Naples, and with him set forever the star of the House of Hohenstauffen.

Charles, not contented with his Italian conquests, aimed at no less a prize than the imperial crown of Constantinople, but his schemes were thwarted by the tragic event known in history as the Sicilian Vespers (Easter Eve, March 30, 1282). Thenceforward, the Angevine monarchs were content to confine their ambition within the limits of Italy, and Charles, and his grandson, Robert the Wise (1309-43), exercised a suzerainty, more or less restricted, over the Guelphic cities of the peninsula.

Internal dissensions had not ceased to distract the communes. The cities were rent by struggles between the nobles and the plebeian burgesses. Instead of the wholesome agitation which prevents stagnancy and decay, raged the strife which devours and destroys. Exiles were plotting without, and traitors within. The forms of a free constitution were maintained, but they were empty forms. The magistrates who were nominally endowed with judicial and executive authority were the mere puppets of the party chieftains who had called them into public life. A government of faction was substituted for a government of law. The crime of a nobleman who murdered a plebeian creditor aroused a civil war in Milan, in 1257, and a fierce contest, which lasted for two years, resulted in the defeat of the aristocracy, and the election of Martin della Torre—a man of noble family, who had sided with the popular cause—to be captain and lord of the people. Five members of the della Torre family reigned in succession over the Milanese, by virtue of a formal election, but with an implied recognition of hereditary right. Twenty years later the Visconti, who were regarded as the chiefs of the Ghibelline, or aristocratic party, supplanted the Torriani, but the rivalry between the great houses was not ended until Matteo Visconti, in 1313, established his sovereignty on a firm and enduring foundation. The Visconti occasionally convoked a council of nine hundred nobles to deliberate and advise, but the family were virtually the absolute rulers of Milan. At Verona, a wealthy gentleman named Mastino de la Scala, the scion of a noble house, had been endowed by the suffrage of his fellow-citizens with almost unlimited power, which he transmitted to his descendents, while at Ferrara the Lords of Este, as feudatories of the Holy See, had for an age wielded an authority approaching as near to absolutism

as the municipal form of government would permit. Nearly every commune acknowledged a chief, whose descendants, in course of time, were recognized as hereditary princes. The Visconti continued to extend their dominion by absorbing the territories of weaker tyrants, until they brought nearly all of northern Italy, outside of the Venetian dogado, under their control, and were numbered among the reigning houses of Europe. Bologna, which had contested with Venice the sovereignty of the Adriatic, Pisa, once the formidable rival of Genoa, and Siena, one of the brightest stars in the Tuscan constellation, called in the Visconti as masters. Florence alone remained, the champion of liberty, the hope of democracy.

CHAPTER XX.

THE COMMONWEALTH OF FLORENCE.

Part I.—Florence Governed by Consuls—The Commune Involved in the Strife between the Guelphs and Ghibellines—Establishment of a National Militia—The Captain of the People—The Tocsin Bell—The Guilds of Wealthy Traders and Professional Men—The Captains of the Guelph Party—The Upper Class of Plebeians All-powerful—The Nobility and the Lower Order of the Commons Excluded from the Government—Arrogance of “The Fat Citizens”—The Ordinances of Justice—The Gonfaloniere.

Part II.—The Bianchi and the Neri—Charles de Valois in Florence—The Lucchese Invited to Restore Order—Growth and Commercial Prosperity of the Commonwealth—The Government of the City Offered to King Robert, of Naples—The King’s Vicar Divested of Real Authority—Barbarous Rule of the Bargello—King Robert’s Influence Re-established—Duke Charles, of Calabria, Governor of Florence—The Florentines Get Rid of the Duke—A Plebeian Oligarchy—A New Form of Election—Usurpation and Monstrous Tyranny of the Duke of Athens—The Duke Expelled.

Part III.—More Changes in the Constitution—The Lower Class of Citizens Clamor for a Voice in the Government—The Demand Partly Granted, but Common Workingmen and Laborers still Excluded from Office—Tyranny of the “Captains of the Guelph Party”—“Admonitions”—Dread and Terror Inspired by the Tyrants—Florence Defies the Pope—A Revolution—Mob Rule—Michele di Lando, a Woolcomber, Lord of Florence—He Restores Order, and Suppresses the Mob—Usurpation of Power by Demagogues of the Middle Class—A Reactionary Revolution—The Rich Plebeians again in Control of the Government—Florence the Leading State of Central Italy—The Free Companies—New Councils Established.

I. The Florentine government, in the twelfth century,

was administered by consuls, assisted by one hundred citizens. The consuls were six in number, and held office for one year. Previous to the enlargement of the city in 1078, there had been only four consuls; but after the enlargement the city was divided into six wards, with one consul to each. Although the constitutional law of the commune seems to have provided for only six consuls, there were sometimes eight, and sometimes as many as eleven. One of these magistrates was generally recognized, on account of his reputation and social position, as the head. The consuls were not only executive and administrative, but also judicial officers. In the words of the Italian chronicler, they "guided everything, and governed the city, and decided causes, and administered justice." Florence grew and prospered under her consuls. She convinced the titled highwaymen of the neighborhood that they could not plunder her citizens and obstruct her traffic with impunity. Among the castles destroyed was that of the lords of Monte Boni, ancestors of Napoleon Bonaparte. These and many others of the feudal nobility became citizens of the commune which had leveled their strongholds, and they helped to form that early aristocracy which proved a more dangerous foe to the liberties of Florence than the legions of the emperor. Instead of settling down quietly in the city which had adopted them, the nobles erected palaces, with towers of extraordinary height, and carried on petty internecine wars with each other, much to the inconvenience of law-abiding residents. The common people were naturally attracted to one or the other of the contending chieftains, and as the discord spread, the foundation was laid for many a sanguinary vendetta. Faction lifted its hydra head and darted out its red tongues in the very heart of the communes and the strange spectacle was seen of a State whose armie,

were everywhere victorious, and whose boundaries were widening on every side, unable to maintain peace within her municipal walls.

In the protracted struggle between the Holy See and the Lombard communes, on the one hand, and the House of Hohenstauffen, on the other, the sympathies of the plebeian Florentines were strongly on the side of the Guelphs, while the old nobility—the aristocracy of title and lineage—made “Ghibelin” their war-cry, not because they liked the Swabian emperor, but because the empire was the foe of the democracy, and every imperial victory was a blow at democratic supremacy.* In Florence, as in other cities of Italy, the strife between the rival factions, during the reign of the Second Frederick, was fierce, vindictive, and unrelenting. The Ghibellines succeeded, after a desperate struggle, in expelling the Guelph leaders from the city.

*The origin of the civil war between the Guelphs and Ghibellines in Florence was so characteristic of the times, that I present the story in the quaint language of Machiavelli: “Amongst the most powerful families of Florence were the Buondelmonti and the Uberti; next to these were the Amidei and the Donati. Of the Donati family there was a rich widow who had a daughter of exquisite beauty, for whom, in her own mind, she had fixed upon Buondelmonti, a young gentleman, the head of the Buondelmonti family, as her husband; but, either from negligence, or because she thought it might be accomplished at any time, she had not made known her intention, when it happened that the cavalier betrothed himself to a maiden of the Amidei family. This grieved the Donati widow exceedingly; but she hoped, with her daughter's beauty, to disturb the arrangement before the celebration of the marriage; and from an upper apartment, seeing Buondelmonti approach her house alone, she descended, and as he was passing, she said to him, ‘I am glad to learn you have chosen a wife, although I had reserved my daughter for you;’ and pushing the door open, presented her to his view. The cavalier, seeing the beauty of the girl, which was very uncommon, and considering the nobility of her blood, and her portion not being inferior to that of the lady whom he had chosen, became inflamed with such an ardent desire to possess her, that, not

The ancient form of government was abrogated, an oligarchy was established, and heavy burdens were imposed upon the common people.

An unexpected victory achieved by the Guelphs inspired the citizens to revolt against their tyrants. The Ghibellines were driven from power, and of course into banishment. Popular government was revived, and the whole body of citizens capable of bearing arms were organized as a militia. A new chief magistrate

thinking of the promise given, or the injury he committed in breaking it, or of the evils which his breach of faith might bring upon himself, said, 'Since you have reserved her for me, I should be very ungrateful indeed to refuse her, being yet at liberty to choose;' and without delay married her. As soon as the fact became known, the Amidei and the Uberti, whose families were allied, were filled with rage, and, having assembled with many others, connections of the parties, they concluded that the injury could not be tolerated without disgrace, and that the only vengeance proportionate to the enormity of the offense would be to put Buondelmonti to death. And although some took into consideration the evils that might ensue upon it, Mosca Lamberti said that those who talk of many things effect nothing, using that trite and common adage, 'Cosa fatta capo ha.' Thereupon they appointed to the execution of the murder Mosca himself, Stiatti Uberti, Lambertuccio Amidei, and Oderigo Fifanti, who, on a morning of Easter Day, concealed themselves in a house of the Amidei, situate between the old bridge and St. Stephen's, and as Buondelmonti was passing upon a white horse, thinking it as easy a matter to forget an injury as to reject an alliance, he was attacked by them at the foot of the bridge, and slain close by a statue of Mars. This murder divided the whole city, one party espousing the cause of the Buondelmonti, the other that of the Uberti; and as these families possessed men and means of defence, they contended with each other for many years, without one being able to destroy the other.

Florence continued in these troubles till the time of Frederick II, who, being king of Naples, endeavored to strengthen himself against the Church; and, to give greater stability to his power in Tuscany, favored the Uberti and their followers, who, with his assistance, expelled the Buondelmonti. Thus our city, as all the rest of Italy had a long time been, became divided into Guelphs and Ghibellines."

was created, called the "Captain of the People." He was invested not only with the leadership of the civic army, but also with the general executive and administrative authority subsequently exercised by the Gonfaloniere. Captains of the six wards—three or four to each, making the whole number twenty—were appointed as subordinates to the Captain of the People. The able-bodied population of the city was divided into twenty companies, according to districts, and the companies were bound to appear under their ward standards, whenever summoned by the ward officers. A large tocsin bell was placed in the Tower of the Lion, at whose clang the civic soldiers were to rush to arms. Lest the chief magistrate should be inclined to use his power too autocratically, and forget whence it was derived, twelve men of the people, two from each of the six wards, were appointed a Council to assist him. The people also decreed the demolition of every fortified residence over one hundred feet in height, and laid the foundation of the communal palace, known as the *Palazzo del Podesta*, the commune having in the early part of the century followed the example of the Lombard cities by electing a foreign podesta as chief judicial officer.

The battle of Montaperti, fought on the fourth day of September, 1260, restored the Ghibelline nobles to the mastery of Florence. The framework of constitutional government was at once swept away, and the houses of the Guelph leaders were razed, and their property confiscated. At a meeting of ambassadors from the Ghibelline cities it was even proposed to utterly destroy Florence, in order to bury democracy beyond resurrection. But a member of the house of Uberti—Farinata—raised his voice against the motion, and declared that Florence should never be laid low while he could wield a sword in her defence. Then he left

the assembly. But his words had their effect, and the project was abandoned.

By the defeat and death of Manfred of Naples, on the field of Benevento, the Guelphs once more gained predominance in Italy. The Florentine oligarchs, frightened by the demonstrations of popular discontent, tried to placate the multitude by inventing a novel and queer chief magistracy. Two knights, one a Guelph and the other a Ghibelline in principle—if they had any principles—and both members of a semi-military religious order, were invited from Bologna, and given nominal control of the city. It was during the otherwise uneventful reign of these two military adventurers that the *Arti*, or Guilds, were organized. The ward, or district, had been the only political division of the city. Each citizen belonged to the district in which he resided, and was represented through his district in the civic government. This was, of course, a purely democratic system, and it had grown highly distasteful not only to the nobility of birth, but also to the growing aristocracy of wealth, the rich money-changer, the manufacturers of woollens, and the dealers in foreign cloth. Under the new system of guilds the lawyers, merchants, traders, and bankers were able to keep themselves aloof politically and socially from the mass of the populace, and to unite their forces with a view of controlling the State. The guilds were not only civil but also military organizations. They were seven in number—the lawyers; the dealers in foreign cloth; the money-changers; the woollen manufacturers; the physicians and apothecaries; the silk manufacturers and mercers, and the furriers. These were always known as the *Arti Maggiori*, or Greater Guilds, although various other guilds were afterward added. All the guilds were placed under consuls, had special armorial

bearings and ensigns, and were to appear under command of their consuls to act as a military force, if necessary.

The tradesmen soon asserted their newly acquired power. The knights from Bologna were deposed, and the Guelphs resumed sway in Florence. The usual decrees of banishment and confiscation followed, and a board of officers was created for the purpose of protecting the commune against Ghibelline machinations. The officers were three in number, and were called "Captains of the Guelph Party." They were empowered to assume the management of all the confiscated Ghibelline property, and were required to distribute one-third among the Guelphs who had suffered from persecution, to pay one-third into the treasury of the commonwealth, and to administer the other third for the advantage of the Guelph Party. They were bound to watch over the interests of the Party, inquire into the conduct of citizens suspected of Ghibelline tendencies, note them as ineligible to public office or employment, banish them, if deemed best for the welfare of the State, and take possession of their property, if confiscated, in trust for the uses above-named. This magistracy endured throughout the existence of the commonwealth, and in late years was invested with much more extended functions. The Florentines likewise elected twelve men, who were to hold their magistracy for two months, and were not called *Anziani*, or Elders, but *Buoni Uomini*, or Good Men. They also instituted a council of eighty citizens, which they called the *Credenza*. Besides this council, thirty citizens were chosen from each ward, or district, who with the *Credenza* and the Good Men, formed the General Council. Another council was likewise appointed, of one hundred and twenty citizens selected from the people and the nobility. Questions of public interest were first considered in the *Credenza* and the

General Council, and then decided in the Council of One Hundred and Twenty, which likewise nominated all persons to office.

The mediation of the Papacy brought about a seeming reconciliation between the Florentine factions. After speeches, oaths, and kissing, the Ghibellines were granted leave to return with their families, but certain of the leaders were ordered to remain for a period of time beyond Florentine territory. The magistracy known as Elders of the People was replaced by a Board of Fourteen Notables, of whom eight were Guelphs and six Ghibellines. This innovation soon proved unsatisfactory to the citizens, especially to the greater guilds, whose members formed a powerful aristocracy of wealth, already more than a match for the old nobility. The rich citizens saw that the time had arrived to complete the revolution begun when the guilds were instituted. The common people were willing to sustain any movement which would humiliate the nobles, and the latter were too much decimated by war and divided by jealousies to unite in defense of their own interests. The plebeian-aristocracy, represented by the guild of traders in dressed and dyed woollen stuffs, procured the adoption of an important constitutional change, which virtually placed the government of Florence in the hands of the upper class of professional and commercial men. The decree provided that a prior should be chosen by each guild to preside over it; and that the priors of the three principal companies—the dealers in foreign cloth, the money-changers or bankers, and the manufacturers of woollens—should form a Council, in place of the Fourteen Notables, to be advisers of the Captain of the People, and to share with him the supreme authority in the State. The number of priors in the Council was subsequently raised to six, by extending the

privilege of representation to three more of the greater guilds; and, not long afterward,—fourteen minor guilds having been instituted, and some of these having been added to the greater guilds,—the number of priors forming the supreme council was increased to twelve. To these was added, about half a century later, the magistrate known as the *Gonfaloniere*; and the body thus constituted was the *Signoria*, or *Signory*. The term of office of the priors was limited to two months. They lived together at the cost of the commonwealth, away from their homes and families, at first in quarters provided for them in an abbey, and afterward in the Palace of the Commune.

The nobility and the lower order of the populace were excluded from any share in the government, except that a nobleman, by procuring the entry of his name in the roll of a guild, could have a chance with the ordinary members of the guild in the rivalry for office. The body of citizens, that is, the professional men, the manufacturers, bankers and traders who marched under the banners of their respective guilds, were the source of authority, and made the laws and elected the magistrates, while the wage-earners of the city and the peasantry of the rural districts were wholly denied any voice in public affairs. But the noble houses were the owners of the larger part of the real estate in the commune, and their social influence was very great. The plebeian aristocracy courted marital alliances with the ancient families, and such unions were not infrequent. The poor found their citizen rulers as arrogant and tyrannical as the old nobility had formerly been. The dignity of prior was monopolized by the wealthy, who protected their own friends and relatives in wrong-doing, and lavished the public money in ways that brought no adequate return. The “fat citizens,” as they were called, dealt harshly and unjustly

with the common people, and even threw upon them the chief part of the burden of sustaining the government.

Meantime the nobility was restless and inclined to be aggressive. Unable to make an organized effort, with any prospect of success, to recover their lost political domination, they showed their contempt of the democracy by ignoring the constituted authorities, and setting the law and its ministers at defiance. Assassinations were frequent, and it was practically impossible to punish the guilty. Even if an accused nobleman was arrested and arraigned before a judge money and influence got him off unscathed, while the injured individual went without redress. The resentment aroused in the breasts of the democracy by the outrages endured at the hands of the patricians found expression at length in a most extraordinary enactment known as the Ordinances of Justice. This code provided that all nobles were to be denied admission to the guilds, and absolutely shut out from any share in the government. Any nobleman who should kill a man of the people, or wound him so that he died in consequence of the wound, was to be beheaded, his house destroyed, and all his possessions forfeited to the commonwealth. Any noble procuring another person to kill or fatally wound a man of the people was to be punished as a principal. Two individuals only were to be put to death for one assassination, the captain or ringleader of the actual perpetrators of the crime and the chief procurer of the deed; and these two were to be designated by the relatives of the murdered man. Should the relatives neglect or decline to exercise such a right, then the magistrate before whom the case was tried should name the two were to die. All other nobles present at the commission of the crime were to pay a fine of two thousand lire. Any noble who should strike a plebeian in the face, so that

blood followed the blow, in such a way that the wound put the injured man to shame, or who should wound or strike a plebeian with an iron instrument in any other part of the body, in such a way that weakness of the wounded part would remain as a consequence of the blow, was to be fined two thousand lire. Should the fine not be paid within ten days, the right hand of the defaulter was to be cut off. Procurers of assaults were to be punished as if they had personally committed the crime, and the two principal procurers were to be designated as in the case of murder. None of these provisions were to be applicable to the case of any groom, footman, or maid, beaten by their master or mistress; and if any of the people meddled in the quarrels of the nobility the consequences were not to come under the Ordinances of Justice, but were to be subject to the ordinary jurisdiction of the tribunals. In all cases of injury perpetrated by a nobleman upon a man of the people, within the scope of the Ordinances, the oath of the injured man, if living, or of his son, or other representative, if the victim was dead, confirmed by the testimony of three witnesses to the fact of public belief that the accused was guilty, was to be sufficient proof of guilt. As regarded the payment of fines, and the forfeiture and destruction of property, the father of a condemned noble was to be liable for his son, the son for his father, the brother for his brother, (being sons of the same father), the uncle for his nephew, the nephew for his uncle, the grandfather on the father's side for the grandson, and the reverse. A man of the people who had been injured by a noble, and had failed to inform against his assailant, was to be fined, and the relatives or representatives of any person slain by a noble who neglected to prosecute the murderer, were likewise liable to a pecuniary penalty. No nobleman was to be permitted

to carry arms in Florence, unless he had given security for good behavior in the sum of five hundred lire. No noble could be present in the council of the Signory, or approach the council-hall after the Signory had entered upon business, unless specially summoned, and, should any disturbance arise in the city, no man of the people was to enter or to remain in the house of a noble. Any man of the people guilty of treason against the commune was to be pronounced and held to be noble, and his descendants were thenceforward to be considered nobles. Any man of the people who should conspire with or aid a noble in the commission of any offense dealt with by the Ordinances of Justice was to incur two-fold the penalty provided by the common law for such an offense.

For the enforcement of these Ordinances an officer was appointed called the Gonfaloniere of Justice, and he was made president of the Board of Priors. A standard bearing the arms of the Florentine people—a red cross on a white field—was given into his charge, and from this symbol of his office—*gonfalone*—his title was derived. One thousand selectmen-at-arms were placed under the command of the Gonfaloniere, and two thousand citizens were organized as a civic guard, ready to obey his call. Boxes for the reception of anonymous accusations were affixed to the official residences of the Gonfaloniere and of the Captain of the People, and the boxes were called *tamburi*, literally “drums,” and a person accused anonymously was said to be “drummed.”

The Ordinances of Justice further provided that whenever it should be brought to the attention of the podesta that a noble had perpetrated any injury upon the person of a man of the people, either causing death, or shameful disfigurement of face, or amputation of a limb (the injury, it

may be assumed, being of the kind which the Ordinances were intended to deal with), the podesta should forthwith, in concert with the Gonfaloniere, cause the tocsin to be rung, and make public proclamation throughout the city, summoning a thousand men-at-arms to the dwelling of the Gonfaloniere; and that the Gonfaloniere should proceed at the head of the armed force, and bearing the Standard of Justice, to the house or palace of the podesta, and that the podesta should send one or more of his assistants, with such officers as he might think fit, to accompany the Gonfaloniere and the armed men to the residence of the offending noble "to destroy and lay waste, or cause to be wholly destroyed and laid waste, such houses and property of the offender as might be in the city, suburbs, or township of Florence, utterly from the foundations and from the roots of them, before quitting the spot where such houses and possessions were situated." Should the podesta, having been informed by the Gonfaloniere of the perpetration of any crime provided against by the Ordinances of Justice, neglect for five days to proceed against the guilty, he was, if the crime was one punishable by death, to be deposed from his office. If he should neglect for eight days to prosecute a nobleman for an offense not capital, he was to forfeit five hundred silver florins of his salary. In case of neglect on the part of the podesta, it became the duty of the Captain of the People to proceed to execute justice, under similar penalties for failure to discharge his duty, and if both the podesta and the Captain of the People proved derelict, then all the citizens of Florence were to arm themselves and remain armed, and all shops in the city were to be closed and to remain closed until justice had been executed.

The Ordinances of Justice, rigorous and peculiar as they were, had the intended effect of deterring the nobility

from outraging and insulting plebeians, and the old families were compelled to confine themselves to their private vendettas, and abstain from direct interference in political contests. The Ordinances continued for ages to be regarded by the Florentine democracy as the Great Charter of their liberties,, and the guarantee of their security from feudal oppression. Though sometimes suspended or temporarily repealed, they were always again revived while Florence remained a commonwealth.

II. But the venomous spirit of faction, suppressed in one form, soon burst forth more virulently in another. The fourteenth century opened upon a scene of fierce and bitter strife. The new factions were known as The Whites and The Blacks—*I Bianchi e i Neri*. The feud arose from one or two small incidents, but was, in fact, simply a continuation of the old struggle between the exclusives and the people. The Bianchi and the Neri were two noble families of the commune of Pistoia, sprung from a common ancestor, the Cancellieri. The Bianchi were the descendants of one wife of the father of the house, and the Neri of another wife. The heart-burnings and jealousies growing out of this relationship developed into intense hostility. Murder followed murder, and the retainers of the rival chieftains made Pistoia their fighting ground. Of course each family had its supporters among their fellow-nobles, and what had originally been a petty quarrel between kinsmen grew to be the most exciting issue of the day throughout central Italy. In order to put an end to the disgraceful and demoralizing feud, the Florentines, in the year 1300, ordered the heads of both factions to take up their residence in Florence. The commonwealth thereby only transferred the vendetta to a more extensive field, for both parties had influential connections in the State. The remnant of the Ghibellines, as well

as the poorer citizens, adhered to the Bianchi, while the plebeian aristocracy, not of noble birth—the men who wished to keep down both the old nobility and the common people—became Neri.

The Bianchi were the strongest faction, but the Neri had the friendship of Pope Boniface VIII, who professed to regard the Bianchi as Ghibellines in a new guise. The pontiff summoned Charles de Valois to cross the Alps, and established peace in Florence. Charles was ready to obey the call. He entered the city ostensibly as a mediator, but he soon put aside the mask and proved himself a dictator. The Neri, supported by Charles and the pope, overthrew the regularly constituted government, and appointed new priors from among their own leaders. All the chiefs of the Bianchi were banished, their houses destroyed, and their property laid waste. Then the French prince, having accomplished the real object of his mission, departed, leaving Florence plunged in confusion and anarchy.

While murder, pillage, burning, and violence of every kind were rife, the time came for a new Gonfaloniere and new priors to enter office. The men appointed were happily well-fitted for their grave and responsible duties, and the method by which they undertook to restore order was as unprecedented in its character as fortunate in the event. They sent messages to the neighboring commune of Lucca, inviting the Lucchese to come with an armed force to Florence, quell the strife of factions, and compel all to pay obedience and respect to lawful authority. The Lucchese replied that they would undertake the task if unlimited powers were conferred upon them. The Signory thereupon executed an instrument investing the commune of Lucca with ample and extraordinary jurisdiction over the Florentines, and sealed it with the great seal of the commonwealth.

The Lucchese at once dispatched a large force of horse and foot to the distracted city, and received possession of the gates, defenses, and public buildings. All official documents, orders and proclamations were in the name of the commune of Lucca, and commissioners representing that State exercised unrestricted authority in the direction of public affairs and in the administration of justice. They punished none for previous offenses, but required everyone to bow to the law and its officers. They installed another Gonfaloniere and board of priors, in place of those by whom the Lucchese had been summoned, and, having discharged their trust to the satisfaction both of Florence and of Lucca, they retired to their native republic.

Meantime Florence, which had shown itself so miserably incapable of self-government, was advancing in prosperity, population and wealth. The number of citizens able to bear arms exceeded thirty thousand, and the number of residents of Florentine territory eligible for military duties was above seventy thousand. Literature flourished, art began to emerge from the darkness of ages, Florentine merchants had credit throughout the civilized world, and the rich rivaled each other in erecting magnificent buildings. "The city," I quote Machiavelli, "was well able to hold its own against all the States of Italy by its own strength. That mischief, however, which no power from without could have accomplished, was worked by those within the gates."

Unable, notwithstanding the good offices of the Lucchese, to curb the factious spirits among them, the Florentines, in June, 1313, offered the government of their city to king Robert, of Naples, for a term of five years, which was afterward increased to eight. He was to send his vicar every six months, who should rule the commune without altering the constitution, but in all other respects according

to his own discretion. The Florentine aristocracy—that is, the rich plebeians—soon began to repent of their bargain with the king. The vicar overshadowed the Signory, and the priors of the guilds felt that their dignity and importance were diminished, and their so-called democratic institutions imperiled by the presence of royalty. But king Robert was too strong a sovereign to be defied or insulted, and he was a stout defender of Italian self-rule against the ambitious designs of transalpine princes. Therefore the Signory nursed their jealousy until an unfavorable turn in the fortunes of the king emboldened them to divest his vicar of all but the shadow of supremacy, and to arrogate real authority to themselves.

For the purpose of suppressing malcontents, and keeping the turbulent and dangerous element of the population well under control, the Signory appointed a new officer—the *Bargello*. The Bargello's duty was to execute the mandates of the Signory without any other warrant than the bidding of that body. Five hundred foot soldiers and fifty horsemen were placed under the Bargello's command, and the tocsin bell was given into his keeping. The first Bargello was one Lando d' Agobbio, a bloodthirsty, cruel, and unscrupulous man. "On the first of May, 1316," Villani says, "they gave him the gonfalone and lordship; and this man stood continually at the foot of the stairs of the palace of the priors, with five valets armed with headsman's axes." On a secret hint from the Signory citizens were seized and put to death. A reign of terror was established, and the people were cowed and panic-stricken. This state of affairs lasted for about four months, when, owing to a change in the humor of the citizens, king Robert regained his influence, and, in compliance with a demand from him, the Signory dismissed their executioner.

The victories of the great captain, Castruccio, over the forces of the commonwealth, compelled the Florentines to have recourse a second time to the monarch of Naples. They offered the supreme command to Charles, Duke of Calabria, eldest son of the king, for a period of ten years. The Duke was to reside personally in Florence at least three months in the year, or in any country in which he might be engaged in fighting for the commonwealth. It was stipulated that in time of war he should maintain one thousand horsemen from the northern side of the Alps, and receive from the commonwealth two hundred thousand golden florins a year; and that in time of peace he should maintain four hundred horsemen, and receive one hundred thousand golden florins. Should the Duke not desire to live in the city in time of peace, he was to be represented there by a member of his own family, or by some great lord, and also by a vicar who should administer justice. The Duke pledged himself not to change the form of the constitution, but to defend and maintain the Gonfaloniere, the Priors, the Executor of the Ordinances of Justice, and the Gonfalonieri of the militia companies.

Duke Charles did not evince much warlike enthusiasm. He preferred to reside in gay Florence, and play the lord, if not the despot. He pardoned bandits and exiles, and even demanded power to appoint the Signory. The nobles, anxious for the overthrow of democracy, favored the Duke's pretensions, and Charles obtained all that he asked for, except the privilege of imposing taxes. "Every matter, small and great, in Florence," Villani says, "was ruled by the Duke's counsellors, and creatures, and the Signory was so reduced and cowed that the priori did not dare to do the least thing, not so much as send off a messenger. A counsellor of the Duke was always at their elbow, so that

the citizens who were used to govern their own city, were ruled by men less worthy and less wise than themselves." After nineteen months of this kind of administration the Duke departed from Florence to go to the aid of his father (then threatened by the Emperor Louis of Bavaria), having accomplished nothing of benefit to the commonwealth, and having caused an expense of nine hundred thousand golden florins.

Being rid of the Duke the Florentines proceeded to remodel their constitution. Under the existing system the higher officers of the State were appointed by members of the prominent plebeian families, who maintained a close corporation, and debarred their brethren of the upper guilds from enjoying a share of the honors and emoluments of public life. The severe enactment prohibiting the solicitation of votes, or the holding of meetings with a view to promote the election of any person, instead of being used to preserve the liberty of the franchise, was perverted to prevent any organized effort to bring about a change of rulers. Ordinary members of the guilds were ill-content with the condition of affairs, and they seized the opportunity afforded by the retirement of Duke Charles to attempt a reform. The oligarchy had not had time to gather in the reins of power, and were unprepared to resist the popular will. The political revolution was therefore successfully achieved; a new method of election was adopted, and most ingenious precautions were taken to insure to every elector an equal chance for political preferment. The priors in office placed on a list the names of all "Guelphic" citizens eligible to the dignity of prior. Inferior magistrates were required to prepare similar lists, under the supervision and with the assistance of citizens especially nominated for the purpose. Then all the magistrates, with their assistants,

making altogether a body of ninety-eight persons, met together, and every name on the lists was balloted for by the ninety-eight. Every name which obtained sixty-eight votes was put into a bag, the bag was placed in a strong box locked with three locks, and the box was deposited in the sacristy of the friars of Santa Croce. The three keys were entrusted, one to a monastery of friars outside the city, one to the man of business of the same convent, and the third to the Captain of the People. A register of the names put in the bag was confided to the keeping of the friars of St. Mark. This duty was to be performed once every two years, in January, but afterward the law was amended to once every three years. Outgoing magistrates, three days before the expiration of their term, caused the box to be brought to the palazzo, and duly opened by the holders of the keys in their presence, and the names of the new magistrates were drawn by chance from the bags. The old councils were abolished, and two new councils created, one composed of three hundred citizens, of burghers, or respectable plebeian rank, and called the Council of the People; the other consisting of two hundred and fifty members to which plebeians and the nobility were alike eligible, and known as the Council of the Commune.

The use of the term "Guelphic citizens," to denominate those eligible to office, shows how abhorrent Ghibellinism had become to the Florentines. Ghibellinism was to them not only the name of an almost dead, but not forgotten party—it was the embodiment of a spirit hostile to their government and commonwealth, and it was the avowed profession of those who had been their most uncompromising enemies. To be suspected of Ghibellinism was to be marked a traitor, and it is not strange that this strong prejudice, which had in it so many of the elements of patriotism, was

afterward taken advantage of to carry out a system of merciless proscription.

The Florentines, having been defeated by the Pisans in an attempt to take possession of Lucca, again had recourse to their favorite refuge in distress—a titled foreigner. Walter de Brienne, a French military vagabond who called himself Duke of Athens, was appointed Captain and Protector of the People, with full power over the property and lives of the citizens, both within and without the walls. He was also made Generalissimo of the army of the commonwealth. The Duke applied himself, not to fighting the enemy, but to getting rid of those whom he feared, hated, or envied. As his severity was aimed at the wealthy citizen class, he was applauded by the rabble, who regarded him as their champion and their avenger. The nobles also looked with satisfaction upon De Brienne's rude method of dealing with the detested burgher aristocracy.

About three months after the Duke had assumed office he summoned the people together to take into consideration matters pertaining to the interests of the commonwealth. The Signory, frightened by this movement, and cowed by the harsh and despotic course of the autocrat, sent several of their members to negotiate with him. At the interview it was agreed that De Brienne should be lord of the city for one year, in addition to the period for which he had already been appointed; that the terms of his service should be in all respects the same as those between the commonwealth and the Duke of Calabria, and that he should make solemn oath not to infringe in any way the established constitution. De Brienne took the oath, and it was arranged that the citizens should be called together on the following day, under the presidency of the priors, to ratify the covenant. The titled adventurer must have

smiled when the "fat citizens" left him alone; for he had already laid his plans to crush the Signory, and make himself Lord of Florence for life. For an adventurer who had knocked around the world a good deal as a soldier of fortune, the opportunity to become absolute master of a great and rich city was too dazzling and tempting to be let slip.

When morning arrived the public square was filled with a tumultuous throng of the lowest class of people, beside several hundred Burgundian troops. One of the priors, a lawyer named Francesco Rustichelli, proceeded to state the business of the day. He had spoken but a few words when he was interrupted by cries from the populace and the retainers of the nobility. "Let the lordship be for life! The Duke is Lord for life! We will have the Duke for our Lord!" were the exclamations that made the rich citizens shiver. The nobles surrounded the Duke and bore him to the palace. The gates were broken open with axes, and the Duke was installed in the hall belonging to the priors. In the confusion some of the nobles made away with the book of Ordinances of Justice, and the standard of the commonwealth. The banner of the Duke was raised on the tower of the palace, and the bells rang forth the announcement that Florence had a despot. The Gonfaloniere and priors were obliged to betake themselves to a hall which had formerly been used as a guardroom, and three days afterward they were driven from the palace.

De Brienne next endeavored to establish himself in the affections of the multitude by appointing new priors, most of them from the lesser guilds, which had been previously excluded from the priorate. Then the tyrant unmasked. He made the palace of the commonwealth a fortress, levied contributions, and condemned every suspected citizen to the

halter or to the block. He caused the tongue of a man who had spoken against him to be cut out by the roots and carried through the streets on the point of a lance. Another victim was borne through the streets on a car, while the flesh was being torn from his bones with pincers. The wives and daughters of citizens were outraged, and the ferocious despot even laid a plan to butcher three hundred persons of note whom he had invited to his fortress. Fortunately they stayed at home. Forgetting the cunning which had characterized his early movements he spared no class of people, and he soon earned the unanimous hatred of all.

When the Florentines could bear no more they revolted, and besieged De Brienne in his palace. At the front of the multitude raging for vengeance on the foreign vagabond were some of the most prominent citizens. The terrified tyrant pushed out to them his executioner and the son of that detested official, hoping that the people would be satiated with their blood. The two wretches were torn limb from limb, and their flesh hacked into morsels. The sacrifice had the effect that De Brienne expected. After the passions of the citizens had cooled he was allowed to depart in safety; but his memory will be forever infamous in the annals of Florence.

III. In the general joy over the deliverance of the commune from the grasp of a monster old hates were forgotten. While De Brienne was yet in his fortress, on the 28th of July, 1343, a provisional government had been instituted, composed of seven nobles and seven men of the people, who were empowered to reform the constitution, and whose power was to end with the close of September in the same year. The constitution, as amended, enfranchised the nobility, and provided that the honors of office should be

shared equally between patricians and plebeians. The city was divided into four quarters, and each quarter into four wards, or banner-districts, so-called from banners with devices painted on them, which gave names to the different wards. Three priors were elected from each quarter, two plebeians and one nobleman, and the latter class were allowed an impartial representation in other public trusts.

Harmony did not long prevail. The latent dread lest the nobility should regain their ancient and baneful influence in the affairs of the commune soon found expression, and September had not passed away before the democracy tumultuously demanded that the grandees be driven out of the national council. The demand was obeyed, and the four noble priors retired to their palaces. The old form of government was restored, and a Great Council of Three Hundred, seventy-five from each quarter of the city, all men of the people, was established. The nobles did not yield their briefly-enjoyed power without a struggle. They filled their fortresses with armed men, erected barricades in the streets, and bade defiance to the citizen Signory. In the fierce and protracted conflict which followed the lesser people—the small traders, artificers and artisans—took a decisive part against the insurgent patricians. The people were victorious, and the residences of the noblemen who had been most prominent in the revolt were sacked and burned. But the lower class of citizens had learned their own strength; and they clamored for a voice in the government which their valor had upheld. The rich did not dare to resist the popular will, as declared by a multitude flushed with the triumph over the nobility, and ready, upon provocation, to turn their arms against the plebeian aristocracy. The constitution was again amended, and the lower order of citizens obtained an influence which they

never wholly lost until Florence became the patrimony of a ducal house. The revolution, although peacefully accomplished, was gravely important not only in its near effects upon the fortunes of the commune; but also in its more remote bearing upon the events which resulted in the inauguration of a monarchy. In fact a new party asserted its arrival at mature age—a party of the people, which politicians might manipulate, but could neither ignore nor crush. The Signory was made to consist of eight Priors, of whom two were to be chosen from the Greater Guilds, three from the Middle Guilds, and three from the artificers, or Inferior Guilds. The Gonfaloniere was still to be a member of the Greater Guilds, but all the other offices were divided, so as to give the middle and inferior citizens the same proportion of representation as in the Board of Priors. The class which thus acquired a preponderance of power in the State did not include the rabble of common workingmen and laborers. The latter did not rank as citizens, and had no share of civic privileges. Two indulgences were extended to the humbled patricians. The Ordinances of Justice were modified so that nobles should be responsible one for the other within the third degree of relationship only, and certain noble families who had lost their wealth, and were obliged to compete with ordinary citizens for a living, were permitted to renounce their nobility and become plebeians; but no member of the families thus enfranchised was to be eligible to any of the higher offices for five years, and, if in course of the subsequent ten years an ex-patrician should commit any outrage or injury upon the person or property of a man of the people, the offender and his descendants were to be relegated to the nobility and to remain noble forever.

The dominant class were morbidly suspicious that their

superiors in wealth and in social position would not remain content with the changed order of things, and the popular ear was sensitively alert to rumors of plots and conspiracies. This condition of affairs gave an opportunity to the magistracy known as Captains of the Guelph Party to arrogate authority far in excess of that with which they had originally been invested, and to exercise dictatorial power, first as the tools, and afterward as the tyrants of the people. This magistracy was instituted in 1267, when the State was really in danger from Ghibelline plots and invasions, and the Captains' duties were to administer the confiscated estates of condemned and exiled Ghibellines for the benefit of the commonwealth, and for the maintenance of the public buildings, walls and fortresses, the charge of which was entrusted to them. The term of office was two months, and the number of Captains varied from three to nine. In 1358 the magistracy consisted of four persons, Guelfo Gherardini, Geri de' Pazzi, Tommaso Brancacci and Simone Simonetti. Florence was in about as much danger then from Ghibellinism as the North American Union is in to-day from Toryism, and it would be just as sensible for the State of New York to appoint a commission to root out all persons suspected of loyalty to Great Britain as it was for the Florentines to take the course they did. But the common people were envious of the riches and the influence of their more prominent fellow-citizens, and blindly followed designing leaders into a course which began with the persecution of a few and ended in a reign of terror for all.

The initiatory movement toward the introduction of a tyranny was the enactment of a law providing that any citizen or Florentine subject who had ever held, or who should thereafter hold any office in the commonwealth, might be either openly or secretly accused before the Cap-

tains of the Guelph party of being Ghibelline, or not genuine Guelph. Should the accusation be supported by six credible witnesses—in opposition to whose assertions no evidence could be received—the accused might be condemned to death, or to a fine, at the discretion of the Captains. The person condemned, and his descendants, were to be forever incapacitated from holding any office in the State. In vain the Gonfaloniere and the Priors, representing the conservative element of the citizens, resisted the adoption of a measure so unjust and so perilous both to personal and to public rights. It was hinted that they were not genuine Guelphs—in other words, that they were disaffected with popular rule—and they hastened to withdraw their protest. The four Captains began their work promptly, selecting for vengeance those citizens whom they desired to drive out of political life. On the eighth of March four conspicuous men were accused and condemned, two more on the eighteenth of March, and eight on the fifth of April. The proscribed were said to be “admonished” and the condemnations were known as admonitions. The Captains did not shed much blood; for that might have aroused horror and insurrection. They were content to stamp their victims and their families with infamy by sentencing them to civil death, a penalty almost as much dreaded by the Florentine democrat as death itself. The four tyrants soon made themselves terrible not only to the aristocracy, but also to the more active and outspoken of the multitude. Ammirato says that “so great was the dread and terror which had fallen on the citizens, that no tyrant immediately after the discovery of a conspiracy was so formidable to his subjects as the magistracy of the Guelph party had become to its fellow-citizens. Wherever they passed in the city the people might be seen to rise from their

seats and bow and cringe before them, just as is practised before absolute sovereigns and despots by their subjects. To speak ill of any member of that board of magistrates was a far more dangerous thing than to blaspheme the holy name of God and his saints. The citizens sought to make alliances by marriage with them, even though such alliances might be otherwise most disadvantageous. The shopkeepers readily gave them their goods on credit, and then did not dare to ask for payment for them. And to this end they had people adapted to the working of their tyranny, whose business it was to run up and down the city, and threaten prosecutions or promise favors according to the requirements of the case in hand. And this plot against the liberties of Florence was so arranged that, although the Captains of the Guelph Party were changed at short intervals, yet the office was always kept among a certain clique of families." So easily may the most repulsive despotism be the outgrowth of a radically republican system of government; for people much more readily obey a tyranny which has had its origin in their own act, than that which is the offspring of an alien will.

It is illustrative of the contradictory nature of the Florentine character that the commonwealth, while patiently enduring the despotism of a small faction at home, gave a remarkable exhibition of independence by declaring war against and defying the power of the pope. Florence may be said to have seceded for a time from the Catholic Church, for, while the city was under interdict, and its forces in arms against the papacy, the priests were compelled by the civil authorities to celebrate mass and perform their other functions, as though the Holy See no longer exercised jurisdiction in the republic. The Signory taxed ecclesiastics, and hanged a monk guilty of treason. They forbade any citizen to

accept the bishopric of Florence or of Fiesole, and enacted that any person who should assert that any of these acts was contrary to the "liberty of the Church," should be fined one thousand florins. They also incited various towns in the dominions of the Church to raise the standard of rebellion. The origin of this determinedly hostile course toward a sovereign whom all Christendom revered, was the discovery of a plot to subject Florence to the temporal jurisdiction of the papacy. Though the Captains of the Guelph Party were not accused of having had part in the conspiracy, they sympathized with the papal cause, and tried to obstruct the vigorous measures adopted for the prosecution of the war. Their opposition was unfortunate for them, for the war was brought to a glorious and successful conclusion. The people were incensed against the tyrants who would fain have betrayed the honor of the State by playing craven to the Church; and at this important juncture a man took the popular leadership, well-fitted by caution and shrewdness in planning, and energy in action, to head the movement for the overthrow of an irresponsible and cowardly despotism. On the first of May, 1378, a new Signory was chosen, and Salvestro de' Medici was the Gonfaloniere. He gave voice to the general demand that the management of the Board of Captains should be radically reformed. The Board saw that they were at a disadvantage, and temporized. It was agreed that the Ordinances of Justice, long-neglected, should again be enforced; that no one should be admonished unless he were really Ghibelline, and that the proposition to admonish a citizen should not be put to the vote at the Board of Captains more than three times, the object of the last provision being to prevent the Board from being forced to admonish a man by the persistence of a minority.

The Captains did not keep faith, and a general uprising was the result. The best citizens of Florence led the movement; but it soon surged beyond their control. The mob became the rulers; the constitutional government of the commonwealth was overthrown, and the worst elements of society rose to the surface. Fortunately for the State, the populace gave supreme power to a leader, who, though one of themselves, was a man of ability and of judgment, and, above all, a patriot. Michele di' Lando was the name of the wool-comber who for twenty-four hours was absolute master of the city. He rushed into the signorial palace at the head of the multitude, bearing in his hand the Standard of Justice, barelegged, in shoes, but without stockings. He proceeded straight to the audience chamber of the Signory, and there he stopped, standing up, and the populace by acclamation declared that he should be Gonfaloniere and Lord of Florence. Then he framed decrees, and published them to the people; and appointed syndics of the guilds, whom he charged to restore order in the city. Lando made no attempt to retain his dangerous dignity, but at once caused the election of a Signory of priors, with himself as Gonfaloniere, by the constitutional method of ballot. The priors chosen were nine in number, three from the greater guilds, three from the lesser guilds, and three from the barbers and tailors, and very lowest class of the people, who had previously had no voice in the affairs of the commonwealth. The multitude likewise decreed that no member of the lower guilds should be required to pay, during two years, any debt amounting to less than fifty ducats, and that bankers should not be allowed to demand interest on loans already contracted, but should only receive the principal. Then the mob dispersed to their homes, and peace reigned once more in Florence.

The importance of this revolution may be better understood, when it is remembered that the greater guilds had gradually arrogated the entire government of the city, and that the guilds were controlled by prominent plebeian families, who had grown wealthy in business. The ordinary skilled workers in every branch of trade and manufacture were subordinate to the magistrates of the guilds, each magistrate governing those who pursued the line of labor most nearly allied to that of which he was the head and representative. To this magistrate the toiler who assumed that he had been denied a just compensation for his service resorted for relief; but the sympathy of the arbiter was naturally with the employing class, and the employees, rightfully or wrongfully, believed that justice was often denied to them. All this was reversed by the revolution which had originated in a general insurrection against the tyranny of the Captains of the Guelph Party, and which resulted in the entire overthrow of the oligarchy of rich plebeians, and the elevation of the populace to a share in the government.

The mob had had a taste of power, and were unwilling to leave the duties of government even to a Signory of their own selection. One day, toward the end of August, in the same year, a great crowd entered the public square, bringing with them a notary and a scrivener, for the purpose, as they declared, of enacting laws for the good of the State. The scene would have been ridiculous but for its significance. The scrivener was installed in the place in front of the palace from which the priors were wont to harangue the people, and one of the rabble would demand that he write down this as law, another that he write down that. For instance, they enacted that no man should be called on to pay his debts. The good sense of the notary,

Viviano, warded off all trouble for that day. He persuaded them that their laws would be null and void unless duly entered in the statute books during a session of the Council, and he promised to see that the pretended enactments should be so entered. On the following day the mob marched again to the public square, and dictated the drawing of the Signory for the months of September and October. The respectable citizens were terror-stricken, and did not dare to disobey the populace. At this critical juncture, Michele Lando, the Gonfaloniere, stepped forward as the champion of order. His term of office would expire on the night of the thirty-first of August, and he resolved that within the few hours of official existence still before him mob dictation should be suppressed. With the aid of the law-abiding citizens he dispersed the rioters and re-established tranquility, and he then delivered up his office to his elected successor, Jacopo Baraccio, also a wool-comber.

The new Signory were, fortunately, property-holding citizens, and although not in sympathy with the rich oligarchical families which had ruled the State previous to the uprising, they were determined to reduce the incendiary rabble to subjection. They summoned to the palace the boards of magistrates and the officials of the guilds to resolve upon the best means of restoring the government of the city to a settled form. The first act of the assembly was to depose the Gonfaloniere, Jacopo, and several of his colleagues who had been identified with the insurrection. It was then decreed that no man who did not belong to one of the twenty-one regularly constituted guilds should be eligible to any office. Michele Lando and three others who had deserved well of the commonwealth were made specially eligible. The two or three new guilds, which included the lowest class of the people, were allowed to exist, and were

not abolished until four years later, but they were deprived of participation in public affairs. Most of the ordinances passed during July and August were annulled. Two of the eight ring-leaders of the mob were beheaded in the public square. Before their execution they implicated many others in sedition and treason ; but there were no more executions on account of the riots.

The men who rode into power on the wave of the counter-revolution were far from belonging to the aristocracy. Although opposed to mob dictation, which would have meant the utter submersion of all property interests, their own among the rest, they were equally hostile to the great houses, noble and plebeian, and they tried to maintain themselves in authority by pandering to the popular dread of an oligarchy. Citizens whose loyalty to democratic rule had never before been questioned, were denounced as traitors, and hurried to the block. Informers vied with each other in concocting monstrous accusations, and the popular mind was kept excited by pretended revelations of treason and conspiracy. At length the merciless and indiscriminate character of the prosecutions aroused general apprehension and repugnance. A revulsion of public opinion was the result, and the people turned against the demagogues whose enormities they had in the beginning applauded. Giorgio Scali, who but a short time before had been the idol of the multitude, was put to death, and two notorious informers were torn to pieces, and the pieces dragged about the streets, and finally thrown into the Arno. When the popular rage had been satiated by bloodshed the lower orders found that in ridding the State of the cruel and obnoxious rulers whom they had themselves elevated to power, they had cut off the only men capable of upholding their cause against the aristocracy. No sooner had the revolutionary wave spent

its force than the rich citizens seized the reins of government, and the constitution was once more amended, this time in the interest of the superior classes. The Gonfaloniere was elected from the seven greater guilds exclusively; the priors were chosen, half from the seven greater, and half from the fourteen lesser guilds, and the guilds of low grade established by the mob were abolished. All who had been exiled for participation in any of the recent conspiracies, real or pretended, were recalled, and those imprisoned were set at liberty.

The Florentines, like the ancient Romans, did not allow internal dissensions and upheavals to interfere with the advancement of the dominion and glory of the republic abroad. The commune was almost incessantly engaged in warfare with the neighboring States, and the unconquerable spirit and comparatively unlimited resources of the Florentines, caused them to be dreaded as foes and courted as friends. One by one the little cities of central Italy were forced to acknowledge Florence as a mistress or as a protector, and the tyrants of Lombardy were halted in their career of ambition by the plucky democracy on the banks of the Arno.

These conquests were not made by Florentine valor, but by mercenary troops, the employment of whom was universal throughout Italy at this period.* Every petty State had in it a band of hired soldiers, whose duty it was to suppress internal dissensions and to repulse foreign foes. The mer-

* In Italy," says Signor Ricotti, "the free companies were for two centuries the sole military force of the country. In fact at the very moment, as it were, of their appearance, the communal governments began to decay, the city military forces became extinct, and vast dominions were erected on the ruins caused by partisan zeal. * * * * * Thus in the earliest beginnings of the companies must be sought the solution of that most important problem—the cause of the decline of the Italian communes."

cenaries were of two kinds—Italian and transalpine. They were almost invariably mounted, in order to move more quickly from one place to another. Each band, which might number only a few hundreds, or several thousands, was commanded by a leader (*condottiere*), who contracted with any State needing his services. The bargain set forth the amount to be paid to the general and to his soldiers, and the length of time during which they were to fight for their employers. Such a contract was known as a *condotta*, and its terms were usually observed with fidelity by both the parties. During the existence of the *condotta*, the mercenary troops were under the direction of commissioners appointed by the State, who received their instructions from the government, and transmitted those instructions to the *condottiere*, and also saw that they were carried out. The commissioners appear, from Italian history, to have interfered to a greater or less extent with the management of campaigns, and the *condottiere* was in the habit of asking them for advice and counsel, of accounting to them for failure, and of explaining how his plans might lead to success. They were, in short, the representatives of the State in the camp. It was likewise their duty to see that the troops were supplied with provisions at the expense of the State, when sufficient food and forage could not be obtained by the plunder of the country. The troops were, however, wholly under the control of their *condottiere*, who exercised entire discretion in regard to the details of a campaign. The *condottieri* as a rule adhered with rigorous scruple to the letter of their contracts, and however tempting an offer made by a State hostile to the cause for which they were fighting, they seldom proved faithless to their employers, or ranged themselves on the opposite side, until the bargain already entered into had been fulfilled to the letter.

Powerful princes, like the pope, the king of Naples, or the duke of Milan, and republics like Venice and Florence, kept a certain number of *condottieri* in their employ all the time, just as a modern State maintains a regular army. Sometimes the attachment between the government and the *condottieri* was deep and permanent, and the *condotta* was handed down in the same family from father to son for generations. Nor did dukes and counts, with large provinces under their dominion hesitate to accept the pay of mercenaries, and fight under the standards of the Italian republics. Indeed, nearly all the petty lords in Lombardy and central Italy were in the pay either of the Duke of Milan, the Venetians, the Pope, the monarch of Naples, or the commune of Florence. It was likewise not infrequent for a professional soldier to make himself master of a city, or domain, and to found a hereditary sovereignty. The most conspicuous instance of such elevation was that of Francesco Sforza, who made himself so formidable to Filippo Visconti, Duke of Milan, that that prince gave him his natural daughter, Bianca, as a wife; and Sforza, after the death of Filippo, conquered his way to the ducal throne.

One effect of the employment of mercenary troops in the duels between the Italian States of the mediæval period was to make the wars comparatively bloodless. In this respect a battle between Italian armies in the Middle Ages resembled an encounter between the forces of South American revolutionists at the present time. "Such cowardice and disorder prevailed in the armies of those times," says Machiavelli, "that the turning of a horse's head or tail was sufficient to decide the fate of an expedition." The same author relates that in a hardly contested battle (near Anghiari, 1439) between the Florentine forces, under Micheletto Attendulo, and those of the Duke of Milan,

under Niccolo Piccinino—both of them famous captains in their day—“only one man died, and he not from wounds inflicted by hostile weapons, or any honorable means, but, having fallen from his horse was trampled to death.” This battle lasted two hours. The aim of both parties was to gain possession of a bridge, which was repeatedly taken and re-taken, so that it is difficult to imagine how, in a hand to hand struggle in such a narrow place loss of life was avoided, unless, as was doubtless the fact, the combatants had no heart in their work, and did not wish to kill each other. It is narrated that in another battle between the Florentines and Venetians (near Imola, 1467) the two armies “came to a regular engagement, which continued half a day, without either party yielding. Some horses were wounded, and prisoners taken, but no death occurred.” But while the free companies in the pay of the Italian princes and republics refrained from mutual carnage, they showed no such tenderness in their treatment of the cities which were unfortunate enough to be at their mercy. They had a keen scent for plunder, as well as an eye for beauty, and it was seldom that either escaped their inquisitive search. It might be supposed that the spoil would have been appropriated by the State which hired the soldiers, but such was not the case; the mercenaries, besides receiving a fixed compensation in any event, also seized upon and divided the booty.*

* “A republic or a prince is enriched by the victories he obtains, when the enemy is crushed, and possession is retained of the plunder and ransom. Victory is injurious when the foe escapes, or when the soldiers appropriate the booty and ransom. In such a case losses are unfortunate, and conquests still more so; for the vanquished suffers the injuries inflicted by the enemy, and the victor those occasioned by his friends, which, being less justifiable, must cause the greater pain, particularly from a consideration of his being thus compelled to oppress his people by an increased burden of taxation. A ruler possessing any degree of

We have seen how the Duke of Athens, supported by a few hundred Burgundian troopers, was able to keep a wealthy and populous city in awe, and to perpetrate with impunity the most horrid cruelties. Yet this and similar examples were not sufficient to impress upon the Florentines the danger of employing mercenary soldiers, and the necessity of maintaining an efficient national militia. The Florentine tradesman seemed to look with contempt upon the profession of arms; he paid his mercenaries as he paid his domestics, while he applied himself to politics and to money-getting. Soldiers, like servants, were to be had for hire, and they were hired, while the rich plebeian busied himself in his counting-room, or enjoyed the luxury of his palace, or took part in the exciting scenes of the council-

humanity cannot rejoice in a victory that afflicts his subjects. The victories of the ancient and well-organized republics enabled them to fill their treasuries with gold and silver won from their enemies, to distribute gratuities to the people, reduce taxation, and by games and solemn festivals disseminate universal joy. But the victories obtained in the times of which we speak first emptied the treasury, and then impoverished the people, without giving the victorious party security from the enemy. This arose entirely from the disorders inherent in their mode of warfare; for the vanquished soldiery, divesting themselves of their accoutrements, and being neither slain nor detained prisoners, only deferred a renewed attack on the conqueror until their leader had furnished them with arms and horses. Besides this, both ransom and booty being appropriated by the troops, the victorious princes could not make use of them for raising fresh forces, but were compelled to draw the necessary means from their subjects' purses, and this was the only result of victory experienced by the people, except that it diminished the ruler's reluctance to such a course, and made him less particular about his mode of oppressing them. To such a state had the practice of war been brought by the sort of soldiery then on foot, that the victor and the vanquished, when desirous of their services, alike needed fresh supplies of money; for the one had to re-equip them, and the other to bribe them; the vanquished could not fight without being re-mounted, and the conquerors would not take the field without a new gratuity."—*Machiavelli's History of Florence*; B. VI. c. 1.

chamber.* The guilds were still in name and form military organizations, but in reality they were bodies of wealthy and well-to-do citizens, associated for the purpose of maintaining their exclusive political rights and privileges, as well as of preserving trade and professional distinctions, and keeping the lower class of working people in subordination. The neglect of arms could not justly be attributed to cowardice, for the Florentines proved in their last, heroic struggle for liberty that they were capable of rivaling the heroism of the Numantians and the Carthaginians. It was doubtless the outgrowth of the disdain and aversion with which a community, devoted to manufacture and trade, regarded the thriftless and unprofitable career of the soldier.

As mercenary troops cost money, the public indebtedness grew with every acquisition of glory and of territory. The weight of taxation bore heavily upon the middle class of citizens, for the aristocrats who controlled the machinery of government, managed to evade their fair share of the public burdens. Between the years 1377 and 1406 the Florentine commonwealth expended in war eleven millions and a half of florins. The ordinary people were discontented, and even the ruling families were weary of the

* "One of the most striking peculiarities in the historical character of this extraordinary people," says the *Quarterly Review*, (vol. vii, page 372) is, that at the very time of the formation of their political grandeur, their military spirit had entirely forsaken them. Sages and heroes in counsel, they henceforward committed the execution of their noble designs, the actual defense of those liberties which appeared to be dearer to them than existence, to mercenary bands. The profession of arms was considered as degrading to the condition of a free citizen; and Florence, during the fourteenth century, presents to the world the singular spectacle of the highest possible degree of political firmness and constancy, combined with the total absence of all military virtue, of all physical courage."

ceaseless round of conflict. In deference to the general feeling of the people it was resolved to restrain the propensity to warfare by making it difficult to involve the community in war. Two new councils were therefore created. The first was called the Council of Two Hundred. In each of the four quarters of the city all the names of persons who, since the year 1381, had been eligible to the three higher offices of the State, were put into an urn, and fifty names were drawn by chance from the urn, and the citizens whose names were drawn, provided they were at least thirty years old, became members of the Council; but not more than three persons belonging to one *Consorteria*, or family connection, could sit in the Two Hundred. In the Council of Two Hundred every proposition involving war was to be originated, and could not be entertained by any other branch of the State Government until it had passed the Council by a two-thirds vote. Then the measure was to be submitted to the Council of One Hundred and Thirty-One, consisting of the Gonfaloniere and priors, the Captains of the Guelph Party, the Councillors of Commerce, the Consuls of the guilds, and other superior officials, together with forty-eight citizens not holding office. Should the proposition be approved by the Council of One Hundred and Thirty-one, it was then to be placed before the popular bodies known as the Council of the People, and the Council of the Commune, and no declaration of hostility against a foreign power could go into effect unless agreed to by all these; and no addition of territory could be accepted by Florence without similar sanction by the four Councils.

The division of the most important prerogative of a sovereign State—that of making war—among so many citizens had a democratic aspect; but in fact the real power was in the hands of a small minority of the people. The

hundreds of councilmen were taken from several hundred families of the well-to-do class, and, notwithstanding the ingenious methods intended to insure a hap-hazard choice of rulers, the dominant faction was careful that no man not in sympathy with it should be selected for a position in which he might be troublesome. Indeed, but little regard was paid to the opinion of a Council when it suited the party in control of the State to overrule it. Not long after the new constitutional provision had been enacted a loan was demanded for the purpose of carrying on war against Genoa. The Council of the People and the Council of the Commune would not consent to grant the aid required. Thereupon the Gonfaloniere, Serragli, set a guard at the doors of the council chambers and kept the members imprisoned until they had voted to order the levy. This outrage appears to have gone unpunished.

CHAPTER XXI.

RISE OF THE MEDICI.

Part I.—A Critical Period in the History of Florence—The Oligarchy of Rich Plebeians—Prevalence of Discontent among the Inferior Citizens and the Disfranchised Multitude—Giovanni de' Medici—His Wealth and the Causes of his Popularity—He Procures the Adoption of an Equitable System of Taxation—His Death Reflections upon his Character and Motives—Cosmo de' Medici becomes Leader of the Popular Faction, and Rinaldo degli Albizzi of the Plebeian Aristocrats—Cosmo Driven into Exile—He is Recalled, and Saluted as “Father of His Country”—The Firm Establishment of Medicean Supremacy—A Semblance of Republican Forms Maintained.

Part II.—The Brief Autocracy of Pietro de' Medici—Lorenzo the Magnificent—The Council of the Commune and the Council of the People Abolished—Florence Prospers under Tyranny—The Conspiracy of the Pazzi—War with the Pope—Lorenzo's Splendid Despotism—His Death—Pietro de' Medici—Invasion of Italy by Charles VIII, of France—Florence Panic-stricken—The Preaching of Savonarola—Reflections upon the Character and Motives of Savonarola—Pietro driven from Florence.

Part III.—Restoration of Liberty—The Work of Framing a New Constitution—Savonarola's Influence Prevails, and a Democratic Form of Government is Established—The Great Council—The Council of Eighty—The Signory—Strife between the Enemies and Supporters of Savonarola—The Borgia Pope Excommunicates the Monk—Savonarola's Popularity Wanes—The Ordeal of Fire—Savonarola Tortured and Put to Death—Savonarola's Fate, as Illustrating the Absence of Guarantees of Individual Rights—Changes in the Constitution—Pope Julius II Compels Florence to Receive back the Medici—Medicean Despotism Re-established—The Medicean Popes—The Florentines

again Throw off the Yoke--Jesus Christ Elected King of Florence--Eighteen Votes in the Negative--Union between Pope and Emperor--Siege and Fall of Florence--The Commonwealth is made a Dukedom.

I. We have arrived at a critical period in the history of Florence. The old nobility had disappeared as a distinct political party. Defeat at the barricade and death at the hands of the axeman had taught the patricians that, however bitter the quarrels of the democracy, the latter were united in their determination not to submit to the nobility. Some of the noble families kept aloof altogether from public life, while many became identified with one or the other of the plebeian factions, and lent their influence and their means to the cause they favored. The multitude of laborers and persons of the lowest class were shut out, like the great landholding nobles, from civic rights and privileges, and even the ordinary citizens had but a nominal share in the dignities and profits of official life. An oligarchy of rich plebeians administered the government to suit themselves, and threw upon the less wealthy the ill-adjusted burden of supporting the State. Discontent prevailed both among the inferior citizens and the disfranchised mass. The elements of a powerful opposition existed, but where was the man to mould those elements into a compact and wieldy form? At this juncture Giovanni de' Medici stepped forward as a popular champion. Giovanni was enormously rich, and he expended much money in the relief of the poor and of debtors, and in doing good in various ways to his less fortunate fellows. He also gave attention to his religious duties, and earned the friendship of the clergy. Whether Giovanni was simply a well-meaning citizen whose actions were guided by a lawful ambition, such as a loyal Florentine might honorably entertain, or

whether he was cunningly aiming at supreme power for himself or his descendants, is hard to decide. Certain it is that there was no evidence of a design on his part to erect a despotism, and in view of the absence of such evidence it is but fair to presume that he was actuated by worthy motives. The people needed a leader. Their cause was just. The oligarchy was oppressive, haughty and overbearing. A change was surely about to come to pass, and those opposing it would go to the wall. Therefore ambition and prudence, two qualities as characteristic of the Medici as liberality, prompted Giovanni to take the popular part.

The oligarchy endeavored to win Giovanni over to their cause first by persuasion, then by ominous and threatening hints; but the cool-headed banker blandly snubbed their advances, and disregarded their threats. Unwilling to risk a collision, the aristocrats yielded to the demand for a reform of the method of taxation, and, on the 22d of May, 1427, a new system of awarding the amount of the forced loans to be paid by each citizen, in accordance with an accurate estimate of every citizen's property, was established. The new regulations were known as the *Catasta*, that being the name of the register in which the property of citizens was recorded; and it was so called because the names were heaped up in a stack in its pages—"accastate." The *Catasta* was the basis for the allotment to each citizen of the share of the forced loans to be collected from him. The duty of forming the *Catasta*—of collecting the information, deciding on the truth of the statements made by the tax-payers, and deducing the net result, was entrusted to a Board of Ten, chosen by the government out of sixty names drawn by lot from purses containing the names of all citizens eligible to office. The Board of Ten made a register in which, under the name of each citizen, was entered the number of

persons composing his family, the age, state of health and capacity of each member, and the industry, profession, art or trade exercised by each. The register also described all the property possessed by each citizen, whether movable or immovable, whether situated within or without the Florentine territory, or in whatever part of the world the property might be, comprising money, debts, profit on traffic, merchandise, male and female slaves, oxen, horses and other animals. Then a statement was entered in the books of the fruit or produce of every article of property, the crops from land, with the valuation of them, rent charges, and rents of houses and other buildings, etc. For every seventh of the amounts of such fruits, produce or profits, one hundred was to be entered as the ratable value of the property. From the ratable value thus arrived at deduction was to be made of all rent-charges, liens, debts duly certified, and obligations of all sorts assumed on the property in question; the rent of all houses inhabited by the persons described, and their families, or of shops or other places used for the purposes of the trade or avocation carried on by them; the price of any horses or mules used for riding, and lastly a sum of two hundred florins for each mouth the person described was bound to maintain, these sums being noted separately, so that, should any person so maintained die or contract marriage, or cease in any other way to be chargeable to the taxpayer in question, the deduction on account of such person should cease to be made. The net taxable property of the taxpayer having thus been ascertained that property was charged with ten soldi for every hundred florins, or, in other words, the tenth of an income estimated at five per cent on the presumed capital. Thus a man presumed to be worth ten thousand florins would pay a tax, or forced loan, of fifty florins. If the persons on

whose account deductions had been made were not under eighteen or over sixty years of age, a sum of one florin, for each one hundred deducted on their account, might be charged. Whenever the deductions amounted to such a sum that nothing remained as taxable income, then the Board and the taxpayer agreed upon the amount to be paid. In order to guard against the concealment of sources of income the law provided that any property purposely held back from the schedule should be confiscated. In cases of dispute or difference the judgment of the Board was to be absolute and final, and their decrees were to be executed summarily, and without the usual legal formalities. The sum at which they had rated a taxpayer was to be the sum payable by him until the next triennial revision of the *Catasta*, and no diminution could be made, save by authority of the Great Council. The Board of Tax Commissioners might, however, should circumstances require it, increase the amount. Citizens who failed to pay their taxes were disfranchised until the disability had been removed, and the names of defaulters were entered in a list, called the *Specchio*, or mirror. It was customary for party leaders to pay the taxes of such as they desired to render eligible for election.*

The tax would have been easily enough borne had it been exacted only once a year; but such was not the case in ever-warring, restless Florence. The archives of the Florentine tax office show that as much as fifty per cent on income was paid within eleven months, and as much as

*I am indebted for the above account of the *Catasta* to Thomas Adolphus Trollope's *History of the Commonwealth of Florence*. The word, *catasta*, derived, as already stated, from the verb, *accatastare* (to heap up)—acquired its present meaning, as applied to an assessment or levy of taxes, from the system of taxation established in Florence in the fifteenth century.

seventy per cent within the year, which would imply a re-imposition of the tax one hundred and forty times within twelve months. After awhile the *Decima*, or half of one per cent, came to be regarded merely as a unit of taxation, so many *decime* being called for at once. Between the year 1430 and the year 1453 an aggregate of four millions, eight hundred and seventy-five thousand florins was paid in forced loans by seventy families of Florence, and between 1427 and 1430 the treasury of the commonwealth received from this source one million, four hundred and fifty-nine thousand florins. The sums levied were, of course, to be repaid, and were nominally loans to the State. But many citizens chose to avail themselves of a provision of the law which permitted anyone, whose contribution to any one loan was not more than two golden florins, to pay only the third part, and forfeit all claim to interest or repayment. Many richer citizens would no doubt have gladly availed themselves of a similar privilege, for the abstraction of large sums through these forced loans from the purposes of trade was severely felt by enterprising merchants. The money raised was not chiefly expended within the territory of the commonwealth, and, unlike taxes in our own time, did not soon return to the coffers of the trading community. It went to buy up mercenaries, to furnish the sinews of war in comparatively distant localities, and to purchase the goodwill of foreign potentates, who looked with longing eyes toward magnificent Florence.

The system instituted in 1427 remained in force until 1495, when a radical change was made. Thenceforward real estate—houses and lands—were alone subject to taxation. Persons, industry, commerce, and “every kind of profit which does not naturally grow again,” were exempted. The method of valuation and allotment of the tax remained

as before; but the *Decima*, or tenth part of the estimated income of five per cent became a standing tax, payable once every year, and then as a tax, not as a loan. Another system was adopted in the year 1500, the commonwealth being at the time under great stress for money, owing to its exhaustive struggle for the recovery of Pisa. The tax on the income of real property was graduated in proportion to the largeness of the income to be taxed. A man whose income from real estate was assessed at fifty ducats a year, paid five to the tax-gatherer, while he who had an income of three hundred ducats, paid between eighty and a hundred. The necessities of the State were such that this tax was sometimes imposed three or four times a year, and the possessor of three hundred ducats would perhaps be called upon to pay his whole income into the public treasury.

Giovanni de' Medici died on the 20th of February, 1429, leaving, according to Machiavelli, a very strong and universal regret for his loss throughout the entire city, as his many excellent qualities merited. He was a merciful and charitable man; and not only gave assistance to those who asked it of him, but very frequently, unasked, succored the poor in their needs. He felt kindly toward all men; was not sparing of his tribute of praise to the good, nor of his compassion to the bad. He asked for none of the honors of the State, and enjoyed them all. He never went to the palace, if not specially invited. He was a partisan of peace, and always sought to avoid war. He was ever ready to assist men in their adversity, and to forward their prosperity. He was wholly unstained by peculation, and was, on the contrary, a contributor to the wealth of the community. As a magistrate he was gracious and affable; not endowed with much eloquence, but abundantly gifted with sagacity and prudence. His outward appearance was

of a melancholy cast; in conversation, however, he was agreeable and facetious. He died enormously rich in treasure, but richer still in good repute and in the good will of his fellow-citizens. Such was the founder of Medicean greatness, as described by the great Florentine writer. And, indeed, the language does not seem too laudatory when applied to a man who, elevated through his own good deserts to the pinnacle of popularity, with immense wealth at his command and despotic power within easy reach, never attempted to seize that power, or to interfere in any way with the existing constitution. That Giovanni was content with his position as a citizen of a free State was proof of his superior wisdom, for the career of a usurper was generally very uncomfortable in mediæval Italian communes, and was liable to be cut short at any time by a popular uprising, or by the dagger of an assassin. Giovanni's descendants learned this during the hundred and ten years that elapsed between the death of the good old banker and the final and firm establishment of Medicean supremacy in Florence.

From the two sons of Giovanni, Cosmo and Lorenzo, were descended the two great branches of the family—the line which sprang from Cosmo, the elder, including Lorenzo the Magnificent, the two Popes, Leo X and Clement VII, Catherine, the mother of kings of France, and Alexander, the first Duke of Florence—the other, that which sprang from Lorenzo, the younger, comprising all the line of Medicean Grand Dukes of Tuscany.*

Cosmo was ambitious and unscrupulous, but he poss-

*The line of Cosmo became extinct at the death of Alexander in 1537 (excepting the descendants of Catherine of France), and the line of Lorenzo, which ascended the ducal throne in 1537 in the person of Cosmo, the fourth in descent from Lorenzo, became extinct in the person of Gian-Gastone, the seventh and last Medicean Grand Duke.

essed much of his father's tact and prudence. He soon became the avowed leader of the popular faction, Rinaldo degli Albizzi being as generally recognized as chief of the aristocrats. Party spirit ran high, and political managers hesitated at nothing to carry their aims. Judicial decisions were influenced by partisan prejudice, and the drawing of the names of the Signory by lot was a farce; for it was well-known months in advance who the Gonfalonieri and priors were to be. Cosmo was driven into exile, in September, 1433, by a *coup d'état* of the Albizzi faction. A year had hardly rolled around, however, before a turn of the political wheel placed a Medicean Signory in power. The men who had expelled Cosmo were themselves banished, and the illustrious chief was recalled. He was received with signal demonstrations of favor and affection, and saluted as the benefactor of the people and the Father of his Country. Cosmo soon showed that he did not mean to allow the opposite faction to obtain the upper hand again. Rinaldo degli Albizzi and his son, Ormanozzo, and others, having absented themselves from the places assigned for their residence during exile, were declared outlaws. Some of the aristocratic party were executed, more were condemned to fine and imprisonment, and additional sentences of exile were decreed.

Having, by these severe measures, weeded out his enemies, Cosmo addressed himself to winning new supporters. He extended to all the old noble families, except a very few, the civil rights of which they had been deprived by the Ordinances of Justice, and restored to their homes and possessions citizens who had been denounced as rebels by the former government. "They (the Medicean faction)," Machiavelli says, "divided among themselves the possessions of those who had been outlawed, at low prices. Besides,

they strengthened themselves with new laws and ordinances, and tampered anew with the purses from which the names of the magistrates were drawn, withdrawing from them the names of their enemies, and filling them with those of their friends. And taking warning from the ruin that had overtaken their adversaries, and considering that the election purses thus manipulated and corrected did not sufficiently guarantee the safety of their power, they determined that those magistrates who had the power of life and death in their hands should be always selected from the chiefs of their party. And, with that view, they determined that the magistrates charged with the superintendence of the putting of the names into the purses for drawing, together with the members of the Signory going out of office, should have the power of nominating the incoming Signory." These magistrates were known as *accoppiatori*. Whenever a *Balia*, or Board, had been appointed by the people, the Board so appointed named a certain number of *accoppiatori* to superintend the putting into the purses names favorable to the party inaugurating the change. As the Signory in power nominated the *balia*, of course the *accoppiatori* were sure to select names acceptable to the Signory, and the addition of the outgoing Signory to the *accoppiatori* in the nomination of the incoming Signory was intended by the Medicean faction to prevent even the possibility of the choice of a hostile magistracy. "They provided," Machiavelli adds, "that those exiled should not return, even at the conclusion of the term of their exile, unless thirty-four of the thirty-seven members of which the Signory and their colleagues consist, voted in favor of allowing them to do so. To write to them or to receive letters from them was prohibited; and every word, every sign, every hint, that could in any way be displeasing to the ruling party was

most severely punished. And if there remained in Florence any suspected person who had not been reached by these vexations and penalties, he was oppressed by special taxes which they imposed. Thus, in a short time, having driven from the city and impoverished the whole of the adverse party, they secured themselves in power." To supply the place of the multitude of disfranchised and exiled Cosmo admitted to the citizenship of Florence many ignoble plebeians and inhabitants of the extra-mural territory of the republic, thus strengthening his party, and making the desolation caused by his merciless proscriptions less apparent.

The citizens of Florence bore the autocracy of Cosmo with a patience that is wonderful, in view of the previous history of that restless and suspicious people. Cosmo was prudent enough to amuse them with the semblance of constitutional forms, and he took care not to offend their prejudices too grossly. Another *balia*, or commission with extraordinary powers, was named in 1444, with the object of maintaining the domination of the Medici, and of quieting those citizens, who, in the plain language of Machiavelli, "had begun to assume a liberty of speaking and acting with more courage than was deemed desirable." Contrary to precedents, the Medicean government did not even go through the form of calling the citizens together in the public square. The new Board was simply appointed by the Councils. It proceeded at once to expel from office all persons suspected of disloyalty to the Medici; it prolonged the period of exile to which the proscribed had been sentenced, and threw many citizens into prison. In the twenty-one years between the return of Cosmo and 1455 the *balia* was renewed six times. At length many of the more ambitious and wealthy Mediceans—those who were excluded from the inner circle—began to regard the *balia*

system of government as too much of a monopoly and agitated for a resumption of free elections. Cosmo wisely yielded, trusting to his partisans to see that the election purses should not contain the name of any malcontent. For awhile he allowed the people to play at self-government. Then, seeing that there was a growing tendency on the part of many citizens to hold to their newly acquired rights, he delegated to his energetic and ambitious lieutenant, Luca Pitti, the task of restoring affairs to their former condition.

Pitti, who held the office of Gonfaloniere, made several attempts to have a *balia* voted in the regular way, but the constitutional rulers of the commonwealth declined to surrender the powers entrusted to them, and Pitti was obliged to use force. On the 9th of August, 1458, he filled the public palace with soldiers, and then summoned the people into the piazza by the sound of the bell. When the square was as full of an easily managed mob as he desired, the neighboring streets were occupied by armed men. Then the multitude was asked to grant the appointment of a commission with extraordinary powers, which was done. The commissioners, men on whom the Medicean chief could rely, proceeded to fill the offices with pliant party tools; several obnoxious individuals were exiled, and others sent to prison. The citizens were consoled for the loss of their freedom by the information that the members of the Signory, who had been known as "Priori delle arti" (first men, or priors, of the guilds), would thenceforward be called "Priori di Liberta" (Priors of Liberty). It was also decreed that the Gonfaloniere, whose seat had been at the right of the other members of the Signory, should thenceforward preside in a conspicuous place in the middle of that council. But while these petty innovations were made,

with a view, apparently, of diverting the attention of the people from the real aims of their masters, several citizens were executed for "causes of State," many were exiled and fined, and the terms of many others already in exile were lengthened. Cosmo probably did not approve, but he was unable to interfere to prevent these severities. Indeed, Luca Pitti soon showed that he aimed to make himself Cosmo's successor in autocratic power. He founded the magnificent palace which is still the admiration of visitors to the late capital of Italy, and made an arrogant exhibition of his wealth and authority.

While Luca Pitti lorded over Florence, Cosmo was brooding away the closing years of his fortunate life amid the more than royal splendor of his home, near the church of San Lorenzo, that monument of his great father's liberality. In his family affairs he was far from happy. His favorite son, Giovanni, the hope of his house, died in 1463, and Pietro's bodily afflictions made it unlikely that he would long survive his parent. Cosmo died on the first of August, 1464, in the seventy-fifth year of his age. He was sincerely mourned by the people of Florence. Guicciardini says of the overthrow of Florentine liberty by Cosmo: "It needed for the attainment of this end that there should be found in one and the same man an exceedingly rare combination of prudence, vast wealth and high estimation; and to this combination of qualities it was necessary that there should be added the operation of them during a long space of time, and the favoring assistance of a vast number of opportunities; in such sort that it is all but impossible that so many circumstances, and qualities, and opportunities should be found cumulated in one individual. And, therefore it is that there has never been seen in Florence but one Cosmo." That Cosmo deliberately planned to become

despot of Florence, and to found a dynasty of rulers of that State it is impossible to doubt, in view of his career. Munificent, liberal and generous as he was, he could be cruel and harsh, when cruelty and harshness were necessary to crush a foe. He made the leaders of the populace his friends by loaning them money, and never pressing for a settlement. His alliance with Francesco Sforza was, perhaps, the master-stroke of his life, for by extending timely aid at the critical moment in Sforza's career he won for himself and his posterity the valuable friendship of the Dukes of Milan. In that instance, certainly, Cosmo sacrificed the interests of the commonwealth to his own welfare. He showed his shrewdness and his clear understanding of the temper of the Florentines by never assuming any title, and by preserving the forms of constitutional government, even while exercising despotic power through the medium of his packed commissions. Machiavelli describes Cosmo as an olive-complexioned man, of venerable appearance, devoid of erudition, though a lover and patron of learning and learned men, but exceedingly eloquent by nature, comprehensive in discourse, cautious in advising, and in his speeches and replies grave and witty. "His prudence, his great wealth, the uses to which he applied it, and his splendid style of living, caused him to be beloved and respected in Florence, and obtained for him the highest consideration, not only among the princes and governments of Italy, but throughout all Europe. He thus laid a foundation for his descendants, which enabled them to equal him in virtue, and greatly surpass him in fortune."

II. The brief autocracy of Pietro, Cosmo's son and successor, was unstained by the blood of his political enemies, even the baffled traitor, Luca Pitti, being allowed

to drag out a dishonored life in Florence, shunned and deserted by those who had courted and feared him. Pietro was an intelligent, well-meaning man, and would have had a longer shadow in history, "but for," as Ammirato says, "his position between a father and son whose brilliant glory were sufficient to pale every smaller light." He left two sons, Lorenzo, aged twenty-one, and Giuliano, aged sixteen.

At a meeting of leading citizens, held after Pietro's interment, Tommaso Soderini, who had been charged by Pietro with the protection of Medicean interests, and who was regarded as the most influential man in Florence, urged that the citizens could do no better than "follow the course of government which had been begun, and confirm to Lorenzo de' Medici the 'reputation of the State,' in place of his father." The meeting was unanimously of the same opinion with Soderini; at least there was no avowed dissent. What followed is thus described by Lorenzo himself: "On the second day after his (Pietro de' Medici's) death, although I, Lorenzo, was very young, that is to say, twenty-one years old, the principal men of the city and of the State came to us, to our house, to condole with us on our loss, and to encourage me to take on me the care of the city and the government, as my grandfather and father had done. And I consented to do so unwillingly, seeing that with reference to my age the burden and the danger were great; being induced solely by the desire of preserving our friends and our property, for it is difficult to live in Florence without the State; and that we have hitherto successfully managed these affairs with credit and reputation;—bearing in mind at the same time that all this has been due not to my own prudence, but to the grace of God, and the good conduct of my ancestors."

Here we see the leading citizens of Florence recognizing

“the care of the city and the government” as hereditary in the family of Cosmo de’ Medici; this, too, while the republican constitution of the commonwealth was still nominally in operation, and the authority exercised by the ruling family unconfirmed by any law. Lorenzo, though young, had had some stormy experience during the brief supremacy of his father. To Lorenzo’s tact and energy was largely due the fortunate result of his crippled parent’s life and death struggle with Luca Pitti and his fellow-conspirators. The Medicean dynasty was therefore strengthened by the substitution of the youthful and vigorous Lorenzo for the middle-aged but paralyzed Pietro. That the new government would be vigorous was proven by the prompt execution of seven exiles who tried to inaugurate a revolution in Prato. The Council of the Commune and the Council of the People were abolished, and five *accoppiatori* (as the officers created to arbitrarily nominate magistrates were called) were commissioned to choose forty citizens, by whom a Board of Two Hundred were to be named, and this Board was to have the power of doing everything, except the suppression or alteration of the tax system. Florence bore the change quietly. The city was wealthy and prosperous, and its rich merchants cared not to disturb the domination which gave them security, while the populace were dazzled by Medicean magnificence and won by Medicean liberality.

All of the aristocracy were not willing, however, to bend under the yoke of a house, which had, not many generations back, been the inferior of some of them. Among those who cherished hatred of the Medici were the Pazzi, second only in wealth and prominence to the Medici. The Pazzi were of old feudal descent, and had been excluded, as nobles, from the offices and honors of the State, until restored

with other families by Cosmo de' Medici, after his return from exile in 1434. Like other nobles they went into commerce, and succeeded in accumulating vast riches. In 1478 Jacopo, son of Andrea de' Pazzi, was the head of the family. His brothers, Piero and Antonio, were dead, but seven sons of Piero were living—Andrea, Niccolo, Leonardo, Rinato, Giovanni, Antonio and Galeotto—and three sons of Antonio—Guglielmo, Giovanni and Francesco. Cosmo de' Medici had given his grand-daughter Bianca, in marriage to Guglielmo, son of Antonio. But, notwithstanding this connection, Lorenzo regarded the Pazzi with jealousy and hatred, and pursued toward them a policy of injustice and exclusion. The crowning wrong inflicted upon the proud nobles and bankers was of such a monstrous and iniquitous nature that it is not strange that their Italian blood was heated to frenzy by it. Giovanni, one of Antonio's sons, had married Beatrice, the only child of Giovanni Buonromei, a man of immense wealth. Buonromei died intestate, and, according to Florentine law, the daughter was his sole heir. To prevent the Pazzi from being strengthened by such a great accession of property, Lorenzo procured the enactment of a special law disinheriting the daughter, and making her cousin heir to the estate. The Pazzi could not submit patiently to such an intolerable injustice. Francesco, a brother of Giovanni, removed from Florence, and established himself in Rome. His family being bankers to the Holy See, Francesco was thrown into frequent communication with Pope Sixtus IV, who heartily detested the Medici.

In Rome a conspiracy was formed for the overthrow of Medicean power. The leading conspirators were Francesco de' Pazzi, Francesco Salviati, archbishop of Pisa—to whom Florence had refused to surrender the temporalities of his see, because he belonged to a family hostile to the Medici—

and the Count Girolamo Riario, lord of Imola, who felt his sovereignty to be insecure while the Medici ruled in Florence. There can be no doubt that Pope Sixtus agreed to cooperate in the attempt to revolutionize Florence, but the charge that he was privy to the design to assassinate Lorenzo and Giuliano rests only upon the confession of a condemned criminal, Giovanni Battista de' Montesecco. It is strange to see the readiness with which Mr. Trollope accepts this confession, extorted by the rack, as conclusive evidence against the pontiff, when he must well know that a document similarly procured would not convict a tramp of chicken-stealing. That Pope Sixtus hated the Medici, and longed for their overthrow, history shows clearly enough. That he may perhaps have thought that he was doing a praiseworthy act in taking part against a family alike hostile to the Church and to the liberties of their native State, is not at all unlikely; nor is it improbable that he was swayed in his course by personal animosity; but to assume, on the testimony of a criminal subjected to torture and in dread of death, that the pontiff knew and consented to the plan to murder, is manifestly unfair. It should also be remembered, in order to weigh properly the alleged confession of Montesecco, that the Medici were vitally interested in creating a prejudice among the Florentines against the Pope. The summary execution of the Archbishop of Pisa would, they well knew, bring down upon them the wrath of the Holy See. The Pope was their enemy, and it was their policy to make that enemy odious, and to weaken by all means in their power the effect of his spiritual thunderbolts.

Lorenzo and Giuliano were to be murdered in the Cathedral of Florence, while hearing mass, on Sunday, the 26th of April, 1478. Francesco de' Pazzi and one Bernardo Bandini were designated to kill Giuliano; while Giovanni

Battista de' Montesecco, an old soldier of the papal army, was selected to strike down Lorenzo. Montesecco lost courage, and Stefano da Bagnoni, a secretary in the family of Jacopo de' Pazzi, and Antonio Maffei da Volterra, an apostolic notary, were induced to undertake the job. The blows were to be struck at the moment the officiating priest performed the elevation of the host. The Cathedral was thronged with the beauty, wealth, and fashion of Florence. Everything progressed quietly until the solemn moment when the people bowed their heads to adore that which they believed to be the body of Christ. Francesco and Bandini, who had placed themselves close to Giuliano, attacked him with irresistible fury. Francesco inflicted not less than nineteen stabs on his victim, and severely wounded himself in the thigh. Lorenzo, after receiving a slight cut in the neck, escaped from his assassins. Wild tumult prevailed where, but an instant before, everything had been hushed. The sacred ceremonies were broken off, and men, women and children mingled in an affrighted throng.

Meanwhile the public palace and square were the scene of equally thrilling events. Salviati, archbishop of Pisa, entered the palace with several followers when the Signory were at dinner. The prelate tried to engage the attention of the Gonfaloniere, Cesare Petrucci, while outside Jacopo de' Pazzi was endeavoring to stir up the populace to revolt. The Gonfaloniere's suspicions were aroused by the archbishop's confused manner and language. Shutting the door on Salviati, he ran to a window, and saw Jacopo de' Pazzi on the public square, with a hundred or so followers, calling upon the people to rise and recover their liberties. The Gonfaloniere at once turned the key upon the archbishop, and summoned the guards and servants to defend the building. Those who had entered the palace

with Salviati were killed, and the gate was closed against the insurgents. Soon the news arrived of the tragedy in the Cathedral. Petrucci forthwith caused a halter to be thrown around the neck of the prelate, and hanged him from a window of the palace. Infuriated citizens attacked the followers of Jacopo. Twenty-six were left dead or dying on the pavement, and half a dozen bodies dangled from the walls above. Francesco was dragged, wounded and naked, from bed in his house, and suspended by the side of the archbishop.

The punishment of the other guilty and suspected persons was as signal as the crime itself was daring and astounding. Giovanni, the brother whose wife had been unjustly deprived of her heritage, was sentenced to imprisonment for life, although innocent of participation in the conspiracy. Guglielmo, who had married Bianca, Lorenzo de' Medici's sister, took refuge in Lorenzo's house. He was privy to the conspiracy, but escaped with exile. Rinato, a son of Piero de' Pazzi, was hanged. He also had known of the plot, but took no part in its execution. His brother, Niccolo, aged only sixteen, about whose guilt there is no doubt, was consigned to perpetual imprisonment. Andrea, Giovanni and Galeotto, all innocent, were condemned to imprisonment for life, and Leonardo and Antonio, who were absent from Florence, and ignorant of the conspiracy, were doomed to perpetual exile. Jacopo de' Pazzi, head of the family, contrived to escape from the city, but was caught while crossing the frontier into Romagna. He was taken back to Florence and put to death. His body was afterward disinterred, and hauled through the streets by the halter which remained around the neck, and, after being subjected to the grossest indignities, was thrown into the Arno. Antonio Maffei da Volterra and Stefano da

Bagnoni, who had attempted to kill Lorenzo, were found hidden in a monastery, and were dragged forth, mutilated and hanged. Bernardo Bandini fled to the Turkish dominions. The Sultan was induced to surrender the assassin, who was brought back to Florence and put to death. So far-reaching and unrelenting was Medicean vengeance.

The ignominious execution of an archbishop was an event of itself sufficient to arouse the anger of Rome. Pope Sixtus hurled interdicts and excommunications at Lorenzo and the Florentines, and followed up his curses with a declaration of war. The Tuscan prelates sided with Florence, and not only hurled back anathemas, but even went so far as to excommunicate the Pope. But although sustained by the clergy and people of his commonwealth, Lorenzo's position, as a declared enemy of the Church, was most perilous, and a body-guard of twelve men was assigned for the special protection of his person. After an inglorious and expensive contest the Florentines humbled themselves to His Holiness, and received the papal pardon and benediction.

Lorenzo had not neglected, meanwhile, to intrench himself more securely at home. Another *balia* was taken, and a council of thirty members, afterward increased to seventy, was invested with almost absolute power. Subsequently the entire control of the city was entrusted to a Board of Seventeen, consisting of Lorenzo and sixteen of his creatures, "who were authorized," Guicciardini says, "to dispose of everything in and with reference to the city as completely and unrestrictedly as it was competent to the entire people of Florence to do." Lorenzo's tyranny was gilded with a magnificence which won him the homage, not only of the superficial populace, but also of kings, princes, and men of learning. His daughter was the wife of Pope

Innocent's son, and his friendship was courted by the rulers of Italy, and of transalpine States. The city enjoyed peace. "The citizens who had the government in their hands," Guicciardini says, "were united and closely bound together; and their power was so well established that no man dared to lift his voice against it. The people were regaled every day with spectacles, with festivals, and novelties. They were well fed from the plenty of all the necessaries of life with which the city abounded. Industry of every sort was thriving and in full employment. Ingenious and able men were maintained, and a welcome and honorable position secured to all professors of literature, art, and liberal pursuits. And, lastly, the city was not only in a condition of the most perfect quiet and tranquility within the walls, but was glorious abroad, and enjoyed the highest reputation among the people of other nations."

Lorenzo the Magnificent died on the eighth day of April, 1492, in the forty-fourth year of his age. He left three sons, Pietro, his successor, aged twenty-one; Giovanni, made a cardinal at sixteen, and afterward raised to the papal throne as Leo X, and Giuliano, subsequently Duke of Nemours, then only twelve years old.

Pietro de' Medici was, on his mother's side, a son of the proud patrician house of Orsini, and he had inherited altogether too much of the patrician temperament to be popular among the urbane Florentines. The invasion of Italy by Charles VIII, of France, caused consternation throughout the peninsula, and especially in Florence, made sybaritish by the long enjoyment of every pleasure that wealth could lavish, or the mind of the magnificent Lorenzo suggest. The terror-stricken people, rudely aroused from their dream of security, thronged to listen to the words of the austere democrat, Girolamo Savonarola, the friar of St.

Mark's. Whether Savonarola was a hypocrite or a self-deluded enthusiast—whether he was a schemer veiling his designs under the guise of humility and piety, or was animated by a sincere desire to reform his commonwealth and the church, will never be known until the secrets of all hearts are revealed. His defiance of Pope Alexander, his bold denunciation of the corruptions of the day, and his refusal to grant absolution to the dying tyrant Lorenzo, stamp him as a man of daring independence of soul; while the democratic constitution of Florence, framed under the influence of his pulpit, is a monument of his ability as a political leader. But his claims to prophecy, and his willingness to allow the people to believe that he was endowed with supernatural gifts, and that nature's laws would be suspended for his vindication and glorification, cast a shadow of charlatanism over his whole career. It is difficult, if not impossible, to suppose that Savonarola's mighty mind could have been so clouded by superstition and delusion as to imagine that a man entering a fierce fire of faggots would not be consumed. Yet, discoursing of the famous ordeal, he enunciated that "those who shall feel themselves truly inspired by the Lord will unquestionably come out unharmed from the flames," and—"I will in no wise hesitate to enter the fire, and should be most certain of coming out unharmed." But he did not see fit to enter the flames, although his devoted follower, Domenico, was willing and eager to prove his faith in his master by the sacrifice of his life.

Savonarola put forward no pretence of becoming the founder of a new sect. Bitter and severe as were his strictures on the depravity and debasement of the clergy, he was content to remain within the fold of the Catholic Church—if, indeed, an excommunicated person can be said to be

within the fold. He was a more dangerous enemy to the pope than the reformers who afterward arose beyond the Alps, just as an enemy within the household is more dangerous than one outside. Pope Alexander saw this, and he determined to crush the Friar. The contest was brief—how could it have been otherwise?—and Savonarola was soon hanging upon a cross, amid the ribaldry of the populace, who had almost worshipped him as their champion, their saint, and their prophet.

By his abject submission to the French invaders, and his unauthorized surrender of Pisa and other important places to King Charles, Pietro de' Medici lost his hold upon the Florentines. He was excluded from the public palace, and was pronounced a rebel and an outlaw, and while cries of the "People!" and "Liberty!" resounded through the streets, he hastily mounted his horse and fled from the city to Bologna. His brother, Cardinal Giovanni, afterward Pope Leo X, tried to put down the insurrection by force, but was glad to escape in the disguise of a friar; and the other brother, Giuliano, followed his elders into exile.

King Charles marched into the city as a friend, and the Florentines made an offensive and defensive alliance with him. It was stipulated that Florence should pay to Charles one hundred and twenty thousand ducats in gold, fifty thousand down, before he departed from the city, and the remainder soon afterward. The French king was to retain the citadels of Pisa, Leghorn, Pietrasanta and Sarzana until the end of the war with Naples, when those places were to be restored to the Florentines.

III. After the departure of the king, the Florentines proceeded to constitute a government. The citizens were summoned to the public square by the sound of the bell. The Signory proposed that the old system of elections be

restored after one year, and that, in the meantime, the commonwealth be ruled by twenty *Accoppiatori*, who should fill all the offices, the *Accoppiatori* to be named by the Signory then in existence. It was ordained that nineteen of the twenty *Accoppiatori* should be at least forty years of age, the exception being made in favor of Lorenzo di Pier-Francesco de' Medici, a cousin of Pietro. Lorenzo was very popular in Florence, for he and his brother Giovanni, having incurred the ill-will of Pietro, had been imprisoned, and had escaped and taken refuge in France. A Ten-of-War was named to prosecute the war against the Pisans, who had refused to come again under the Florentine yoke; and a Board of Eight was appointed to manage the police of the city. The people were then gratified by the hanging of Antonio di Bernardo, who had been manager of the treasury and the public debt under Pietro de' Medici.

The work of framing a permanent constitution was attended by much clashing between the democracy, under the leadership of Savonarola, and the aristocratic Signory. Savonarola's personal followers were known as *Piagnoni*—mourners or weepers. They were so-called on account of their lamentations for the sins of the age, and their dread of the judgments that, according to Savonarola, were impending over Florence and Italy. In some respects the *Piagnoni* resembled the Puritans of early New England, but, like their prophet, they were true Catholics, and aimed at reform only within the pale of the Church. All who adhered to Savonarola's political principles, and were opposed to oligarchical government, were termed *Piagnoni*. The Signory was unable to stand out against the will of the popular party and their eloquent chief, and the constitution was formed in accord with the views of Savonarola.

At that time the population of Florence was about ninety thousand. A Great Council was established, composed of all citizens who were eligible to the three higher offices of the commonwealth, and whose fathers, grandfathers and great-grandfathers had been so before them. No man was eligible to the Great Council who had not completed his twenty-ninth year, and all who were in arrears for taxes were excluded. The number of persons duly qualified was found to be three thousand two hundred. The law provided that, when the number exceeded fifteen hundred, the Council should be divided into three parts, each of which should act as the Council for a period of six months. It was also provided that every three years sixty citizens should be nominated to the Council from the body of those not regularly eligible, and that twenty-four young men, of the age of twenty-four years, should be similarly admitted every three years, to sit among their elders. The first duty of the Great Council was to elect from its members a Senate of eighty citizens, to be changed every six months. The Senators were to be not less than forty years of age, and their duty was to advise the Signory, who were obliged to confer with the Senate at least once a week. All legislation was to be initiated in the Signory, and propositions adopted by that body were to be submitted to the Council of Eighty. If sanctioned by the Eighty, the proposed enactment was then to be laid before the Great Council, which could veto, but could not discuss or amend the measure. Nor could the members of the popular chamber speak at all, unless requested by the Signory, and only in favor of, not against the proposal under consideration. Except as modified by the new constitution, the Signory exercised its old powers and privileges, as before the tyranny of the Medici.

Considering the population of Florence at that period

it is evident that an assembly composed of three thousand two hundred citizens, chosen, not on account of their partisanship, but because they and their fathers had been constitutionally eligible to office, must have represented every shade of opinion, passion and prejudice. And, indeed, notwithstanding the great crimes—such as the judicial murders of Savonarola and Vitelli—which blot the record of that era, at no time during the existence of the commonwealth was its government so thoroughly republican as then. The obstinate refusals to ratify bills for the levy of taxes, the discordant division of factions in the Council, and the frequent and fluctuating changes in the political complexion of the Signory, showed that Florence was a republic in fact as well as in name. The Medicean despots regarded the Great Council with no friendly eye. When Florence was forced, at the dictation of the victorious Pope Julius, to receive the Medici, nominally as citizens, but really as governors, the Great Council was abolished, while the other legislative and executive bodies were allowed to exist. When the Medicean power was humbled in the person of Pope Clement the gathering of the Great Council proclaimed that Florence was liberated, and that tyranny had given place to popular rule. In the last heroic days of the commonwealth the Great Council proved itself worthy of being entrusted with the defense of Florentine liberty. The motto "Poor but Free," chalked on the houses while the imperial and papal forces were beleaguering the doomed city, showed the spirit that animated the people. But all was vain. From the dragon's teeth sown centuries before had sprung a crop of enemies against whom resistance was useless.

The new constitution had hardly been promulgated before the faction of *Ottimati*, or Aristocrats, were busily

and determinedly engaged in efforts to establish an oligarchy. Savonarola, now the head of the dominant political party, was borne high on the wave of popularity. He continued to thunder from his pulpit against the vanities and wickedness of the day, and thousands listened with awe to his prophecies of the scourge which the Almighty, in his wrath, was about to inflict upon a stiff-necked and sin-ridden people. Florence, that city of culture, wealth and luxury, seemed to be under the spell of Savonarola's impassioned tongue. Rare paintings, valuable books, costly shawls, harps, lutes, and other musical instruments, were consigned in a frenzy of penitence and zeal to the flames. Citizens, usually of sober mind, danced in the piazza with the friars of St. Mark, and sang religious ditties, and acted as if they indeed were, as their doggerel songs proclaimed them to be, mad. But Savonarola's asceticism, his hostility to all that the average young nobleman of Florence had been wont to regard as worth enjoying, kindled a deadly hatred of him in the hearts of many with whose pleasures he interfered, or whose licentiousness he unwittingly rebuked. These adversaries formed a faction known as the "*Arrabbiati*," or "Furious." Their tendencies were undoubtedly aristocratic, but their object was the destruction of the Friar. The Great Council became divided into two parts. "The hearers of the Friar," Guicciardini says, "banded themselves together by a sort of silent agreement. And as there were many citizens of note among them, and they were more in number than their adversaries, it was seen that the offices and public honors were distributed much more among them than among the others. And for this reason the city was manifestly ranged in two camps. And each party opposed the other in the public councils so fiercely that men cared

nothing for the public weal, but were intent only on destroying the reputation of their adversaries."

The excommunication of Savonarola in June, 1497, by Pope Alexander, eventually proved fatal to the Friar's popularity. The excommunication was founded on heretical preaching, and contumacy in failing to go to Rome and answer accusations lodged against him. Savonarola soon began to find that he could not be a good Catholic and defy the Pope. His popularity gradually waned. A company of rich young men, called the "*Compagnacci*," was formed, with the purpose of crushing the hated democratic monk; and the pontiff refused to listen to any envoys from Florence until Savonarola should be delivered into his hands. In vain did Savonarola appeal from Rome to the people of Florence. In vain did he boldly declare his indifference to papal censures, and intimate that at the proper time the Lord would interpose miraculously in his behalf. The ordeal of fire gave the great preacher an opportunity to vindicate by a miracle the truth of his doctrine and the divinity of his mission. His failure to enter the flames disappointed his followers and afforded his enemies a chance to destroy him. On the day following the ordeal the *Arrabiati* and *Compagnacci* excited a tumult in the cathedral. The multitude turned against their former idol, and rushed to capture the monastery of St. Mark's. The building was bravely defended by some of its inmates; but the Signory was with the rioters, and Giavacchino della Vecchia, who was in command of the guard of the public palace, threatened to destroy the convent with artillery, unless Savonarola, Domenico and Silvestro were given up to him. Savonarola and Domenico surrendered; Silvestro had hidden himself, and could not be found, but he was afterward captured.

Savonarola's delicate frame was subjected to torture with the object of extorting from him admissions sufficient to justify a sentence of death. He was questioned as to his political designs and conduct, and his claim to a prophetic character. On the two first points his answers were firm and straightforward; on the third they were incoherent and sophistical. The tool of the Signory in this abominable work was a lawyer named Cecconi, who engaged to obtain, for the sum of four hundred ducats, satisfactory avowals from the prisoner. He did not succeed as well as he had promised, and only got fifty ducats; and the prosecutors substituted a fraudulent record for the one containing Savonarola's actual replies. Brother Domenico bore the rack unflinchingly, though subjected to worse agonies than Savonarola. Brother Silvestro was a weak and nervous man, and was ready to admit anything in order to escape the torture. The three friars were condemned to death, and their execution was made as public and ignominious as possible. A huge upright stake was erected in the public square, with a cross-bar near the top. From the point of crossing, and from each end of the cross-bar, hung three halters and three chains. The halters were for the strangling of the victims, and the chains to hold their bodies while being consumed in the flames. They were first degraded—"separated from the Church militant" by the bishop of Vasona, and then hanged, Domenico and Silvestro first, and Savonarola last. All, even Silvestro, met their cruel death with courage. The bodies were burned and the ashes thrown into the Arno, and Florence was reconciled to the Borgia Pope.

The story of Savonarola illustrates the absence from the Florentine constitution of all guarantees of individual rights. The most respectable citizen might be seized on suspicion,

by order of the Signory, cast into prison and forced by torture to furnish evidence for his own condemnation. To enforce their decrees the authorities had at their command mercenary soldiers, with no interest or stake in the commonwealth, ready to commit the grossest atrocities at the beck of their paymasters. We see in our own time how a disciplined police can be abused for the oppression and persecution of citizens. How much more readily could foreign hirelings, ignorant of the very language of the people, be made the tools of unscrupulous and irresponsible magistrates! The mercenary soldiers of Florence were always prepared to perpetrate any outrage, from the intimidation of a popular assembly to the murder of a suspected individual. They played an important part in many Florentine revolutions, and never on the side of liberty.

Savonarola's political system did not die with him. The Great Council, largely composed of men who had never before enjoyed the honor of ruling, was capricious and tyrannical in the exercise of its power. It sometimes refused to vote supplies to support the armies and pay the obligations of the commonwealth, and the Signory was driven to the most arbitrary acts in order to obtain the needed money. Rich citizens were compelled to lend to the State, and were frequently imprisoned for refusing to yield to extortion. At last a general demand arose that the constitution be reformed. After much discussion a law providing that a Gonfaloniere be elected for life passed the Signory and the Senate of Eighty, and was ratified by the Great Council. The choice fell upon Pietro Soderini, a citizen of mature age and of excellent reputation, and who had the recommendation of being childless, and therefore not likely to attempt the establishment of a dynasty.

Pope Alexander died on the 18th of August, 1503, and

was succeeded by Francesco Todeschini Piccolomini, archbishop of Siena, under the title of Pius III. The new Pope reigned only twenty-seven days, and in his place was chosen the warlike Giuliano della Rovere—Julius II, who did so much to increase the temporal power of the Holy See. Julius was bent upon driving the French out of Italy, and Florence, unfortunately for its welfare, espoused the anti-papal cause. An attempt by the French and Spanish cardinals to call a council of the Church in opposition to the Pope proved a signal failure, and the hostile cardinals were deprived of the purple. Pope Julius was successful, after repeated reverses, in utterly routing the invaders, and expelling them from Italian soil. Florence was then at his mercy. He demanded that the Gonfaloniere Soderini, who had been most open and avowed in his French sympathies, be deposed, and that the Medici be allowed to return to Florence as private citizens. The Florentines hesitated, and answered, finally, that they would be content to receive the Medici as private citizens, but would not make any change in the government of the commonwealth. The Pope's forces at once marched into the Florentine territory, accompanied by the Cardinal-Legate, Giovanni de' Medici. The important city of Prato, only twelve miles from Florence, was taken by assault. Meantime forty partisans of the Medici had been imprisoned in Florence; but, as soon as the fall of Prato was known, they were released, and the Gonfaloniere Soderini fled. On the following day, August 31st, 1512, it was agreed that Florence should join the league organized by the Pope for the defense and tranquility of Italy, should pay one hundred and forty thousand ducats, and should receive the Medici as private citizens.

Pietro de' Medici was dead. He had left a son, Lorenzo, now twenty-one years of age, and the legitimate successor

to Medicean power. The youngest brother of Pietro, Giuliano, was thirty-three years of age; but the brains of the family were the Cardinal Giovanni, and Giulio, Archbishop of Florence, the posthumous son of Giuliano, younger brother of Lorenzo the Magnificent—who was assassinated by the Pazzi in the Cathedral at Florence in 1478. Both these men afterward became popes, Giovanni as Leo X, and Giulio as Clement VII. Lorenzo and Giuliano entered Florence in the attire of private citizens, and went before the Signory, and asked that their sentence of exile be remitted, and that they be restored to the rights of citizenship. The request was granted by a unanimous vote. Far different was the style in which the Medicean ecclesiastics made their entry into the city. Men-at-arms and Bolognese infantry escorted them, and their bearing was that of conquerors taking possession of a captured stronghold. On the following day the public square was thronged with mercenary soldiers, the Great Council was abolished, and the administration of affairs was delegated to a Board composed of partisans of the Medici. Twelve *procuratori* were nominated by sixty-six citizens, and the *procuratori* were authorized to consider and propose “what was for the good of the city.” Thus, after a little more than seventeen years of misrule and civil strife, the democratic constitution of Savonarola was virtually repealed. The Signory and the Council of Eighty were, it is true, allowed to exist, but they possessed no real jurisdiction. The Cardinal Giovanni was, however, a genuine Florentine and Medici, cultured and urbane, and he made despotism as agreeable as circumstances permitted. His elevation to the Papacy as Leo X added greatly to the Medicean power and prestige. One of his first acts as pope was to create Giulio a cardinal, and he gratified the Florentines by a liberal

distribution among them of the honors and emoluments of the Church. He also made Lorenzo, the son of Pietro and ruler of Florence, a sovereign prince in name as well as in fact, by appointing him Duke of Urbino.

The Medici, in the height of their greatness, were severely stricken by death. Giuliano died in March, 1516, leaving only an illegitimate son, Ippolito, born in 1511, and Lorenzo followed him to the tomb about two years later, leaving a daughter, Catharine, afterward Queen of France. There was also another Medicean child, Alessandro, an illegitimate son either of Lorenzo or of Cardinal Giulio. The weight of evidence indicates that Alessandro was the son of Giulio, (Clement VII) and the warmth and zeal with which Pope Clement pushed forward the interests of that scion of his house tend to confirm this view.*

The sack of Rome, in April, 1527, by the imperial forces under the Constable Bourbon, and the utter prostration of the papal power for the time being, afforded the the Florentines another opportunity to throw off the Medicean yoke. The Great Council met in the public palace. The action of the citizens toward their fallen rulers was firm but lenient. They decided that the Medici should neither be exiled nor cited to give any account of the past; but should be permitted to leave the city or to reside in it at their pleasure, on the same terms as other citizens. Popular feeling was aroused, however, to such a pitch, that it was unsafe for the Cardinal-deputy and the two young Medicean princes, Alessandro and Ippolito, to remain in Florence. They, therefore, rode out of the city,

*Leo X died Dec. 1, 1521. Clement VII (Giulio de' Medici) was elevated to the papal throne in 1523. He organized the Holy League of France, England and Venice against the Emperor Charles V, and drew that monarch's wrath upon himself.

under the escort of Filippo Strozzi and Niccolo Capponi, two leaders of the aristocracy, through the midst of a threatening multitude.

Niccolo Capponi was chosen Gonfaloniere for one year by the Great Council. He was a sagacious man, and, no doubt, a sincere patriot. But, being an aristocrat, he was regarded with jealous suspicion by the popular party, more especially by those who believed in the political doctrines of Savonarola.

The prospects of the liberated commune were gloomy indeed. The strife of factions grew more violent day by day, while Pope and Emperor were making a peace which was to result in the re-subjection of Florence to her old tyrants. Besides, the city was devastated by a fearful pestilence, and the deaths averaged one hundred and fifty every twenty-four hours during two summer months.

The republican spirit seemed to be flickering out, though it was yet to give forth a bright gleam before being utterly extinguished. In 1529 occurred a most extraordinary incident. Capponi, the Gonfaloniere, proposed in a meeting of the Great Council, at which not less than eleven hundred citizens were present, that Jesus Christ be declared King of Florence. He based this motion on the ground of gratitude to God for many providential mercies, especially the escape of the city from being plundered by the Constable de' Bourbon. A vote was taken on the proposition, and of the eleven hundred councillors eighteen were adverse to accepting Christ for their sovereign. Capponi was soon afterward deposed from his office for carrying on a correspondence with Jacopo Salviati, an adherent and relative by marriage of the Medici. It does not appear that the Gonfaloniere's intentions were treasonable, though his conduct was unquestionably imprudent, considering the

high responsibility of his position. Francesco Carducci, a violent democrat, but an opponent of the teachings of Savonarola, was elected in Capponi's place.

The reconciliation of Pope Clement to the Emperor Charles, and the bargain that Alessandro de' Medici should marry the Emperor's illegitimate daughter, Margaret, were fatal to Florentine freedom. The bargain also included the reduction of Florence to a dukedom for the benefit of the newly wedded couple. The brightest and gloomiest page in Florentine history is that which tells of the last gallant struggle of the commonwealth for the maintainance of its liberties. The spirit displayed by its citizens, their valor, the patience with which they bore famine and pestilence rather than yield to the foe, make the siege of Florence worthy to be classed among heroic events. But the combination of Emperor and Pope was too powerful to be resisted by single-handed Florence, and the commonwealth became a dukedom, with Alessandro de' Medici as its ruler.

CHAPTER XXII.

ORIGIN AND GROWTH OF THE VENETIAN OLIGARCHY.

Part I.—Origin of Venice—The Founders of the Commonwealth—A Free Constitution—Consuls Succeeded by Tribunes—The Arrengo, or General Assembly—Election of a Doge—Dignity and Authority of the Ducal Office—The Councillors to the Doge—Association and Hereditary Succession—Domenigo Orseolo Usurps the Ducal Throne—He is Expelled from Venice by the People—Association and Hereditary Succession Abolished—The Distance between Rich and Poor Widening—Venice Mistress of an Extensive Colonial Empire—Aims of the Aristocracy.

Part II.—The Political Revolution of 1172—The Great Council—The Privy Council—The Ducal College—The Senate—The Electoral College—The Manner of Electing a Doge—The Coronation Oath—The Correctors of the Ducal Obligation—The Inquest upon the Defunct Doge—Amendments to the Ducal Obligation—Splendor of the Ducal Office—The Berretta—The Doge's Magnificent Attire—The Dogaressa—Her Title and Honors—The Ducal Allowance—The Last Democratic Doge—Establishment of the Holy Inquisition in Venice.

Part III.—Election of Pietro Gradenigo—A Packed Great Council Abolishes Popular Suffrage—The Book of Gold—The Great Council Closed to all but the Privileged Aristocracy—The Last Vestige of Ancient Liberty Swept away—Description of the Great Council of Noblemen—The Senate under the Oligarchical Constitution—Powers and Duties of the Senate—The Sages, or Ministers—Their Several Departments—The Procurators of St. Mark.

I. For over thirteen hundred years a State existed on a few marshy islands at the head of the gulf of Adria; and grew, from a small community of fishermen to be the

greatest maritime power of the Middle Ages; and, magnificent even in decay, exercised sway over an extensive empire within the memory of living men. The imperial sceptre of the west had not yet passed away from the degenerate descendants of the great Theodosius when a horde of Huns, led by Attila, the "Scourge of God," swept like a prairie fire over northern Italy, leaving naught but devastation and ruin, where fields had smiled and cities flourished (452). A few hundred fugitives from ancient Venetia, and the coasts of Istria and Dalmatia, sought shelter in the neighboring lagoons from the uncouth and merciless foe. The fathers of the Venetian commonwealth were a cultured and civilized people; many of them were of noble station, and had been reared in wealth and luxury, and all took pride in their inheritance of the Roman name. On the bleak and barren holms the former occupants of palaces built their huts of mud and osiers, and laid the foundation of proud and powerful Venice. Their poverty offered no temptation to the barbarian chieftains, who, with fluctuating fortunes, contended for the mastery of Rome, and while Europe was in chaos, the Venetians enjoyed security and peace.

The principal islands were fifteen in number—Chioggia, or Chiozza, Pelestrina, Equilo, Mazzorbo, Burano, Malamocco, Rialto, Olivolo (afterward called Castello), San Nicolo del Lido, San Erasmo, Caorlo, Torcello, Grado, Leguano and Amiano. They were formed of alluvial deposits carried down by rivers to the sea. One of these—*Rivum Altum* (high river), or Realtum, a branch of the Adige—gave its name to the island of Rialto, afterward the seat of the commonwealth. The Paduans, who settled in Rialto and Malamocco, appear to have been the most influential citizens of the new republic, and

three of them were chosen consuls. The first consular triumvirate remained in office three years. Then the consulship became biennial, and (A. D. 457) the consuls were succeeded by annual tribunes, who, during a period of two hundred and forty years, varied in number from one to twelve. Under the rule of the tribunes the islands were virtually a federative union, the *Arrengo*, or general assembly of the male population, which met at irregular intervals, being too unwieldy and too discordant to exercise much control. The tribunes, therefore, ruled with almost absolute and tyrannical sway, and occasionally their abuse of power led to insurrection and changes in the government. In 503 one tribune was invested by the *Arrengo* with dictatorial power. This form of elective monarchy lasted for seventy-one years, until, in 574, the executive authority was intrusted to ten tribunes. In 654, two tribunes from the island of Heracia, recently colonized by fugitives from Oderzo, were added to the ten, and so the number remained until the institution of the ducal office.

The maladministration of the tribunes became at length so unbearable that, on the 9th of March, 697, the national assembly summoned them to abdicate, and elected in their place a magistrate entitled the Doge. The office of the doge was to be for life, and his powers were almost unlimited. He was, in fact, an elected monarch, and some of the doges went beyond any king or emperor of their time in the assumption of absolute jurisdiction, not only in civil, but in ecclesiastical affairs. It is true that they took an oath to govern wisely and moderately, to dispense justice impartially, and to consult, in every instance, the honor and advantage of the commune. But the very vagueness of their authority made that authority virtually unbounded and irresponsible, while they were surrounded by all the

pomp and invested with all the dignity of sovereign princes.

The first doge, Paolo Luca Anafesto, was conducted to a throne, and solemnly presented by the patriarch of Grado with a golden crown and an ivory sceptre. To him, or to his successor, was given a ducal guard, whose function it was to stand watch in and about the palace, and to attend the chief magistrate on public occasions. Every landlord and householder set apart a tithe of his income for the use of the State, and this contribution, either in kind or in money, was consigned to the ducal treasury. A tax was levied on all vessels, except those known to belong to the doge, trading between the ports of the lagoon and the mainland. Each island was also required to furnish a certain number of barks and gondoliers for the service of the prince, who employed them in the transport of merchandise, and in his tours of business or pleasure.

The first attempt to limit the power of the prince was made immediately after the overthrow of the usurper and tyrant, Catanio, (A. D. 755). The national assembly elected two tribunes who were to be councillors to the doge, and without whose sanction and signature no public act would be valid. This council proved but a feeble barrier against the autocratic aggressions of the haughty chiefs of the republic, and soon fell into disuse. The doges assumed more and more the character and pretensions of royalty. Maurizio Galbaio admitted his son, Giovanni, to a share in the sovereignty, and the latter took up the ivory sceptre when his father resigned it. Under the system of association thus introduced six or seven families governed the republic from one generation to another. The reign of the houses of Badoer, Sanudo, Memo, Orseolo, Tradenigo, Galbaio and Anafesto extended over two hundred and sixty-seven years, and the dogate was more like a hereditary monarchy than the chief magistracy of a free people.

The bold usurpation of the ducal crown by Domenico Orseolo, without even the form of an election (1033), at length aroused the people to a sense of the need of reform. The rivalry of factions was for the moment forgotten in the general indignation excited by an act which threatened the utter overthrow of the republican constitution, and all, except the immediate partisans of Orseolo, united in driving him from his usurped office. The patrician, Domenico Flabeno, who had long been head of a party which aimed to limit the ducal authority, and who was himself—there is reason to believe—without children or near kindred, was duly elected to the vacant throne. Upon his suggestion, or with his approval, the national assembly abolished forever association and hereditary succession. The council of two tribunes was revived, and His Serenity was strongly recommended to seek the advice of the wisest citizens in affairs of State.

The distance between the rich and the poor widened, as Venice waxed in commerce and prosperity. Equality, even in theory, became distasteful to the patricians of the island republic. They regarded with dislike the popular assembly, and the autocratic doge; for the assembly raised the artisan and the fisherman to the level of the aristocrat, while the ducal crown made one who had been their fellow immeasurably superior to and independent of them. But one hundred and fifty years elapsed after Flabeno had assumed the ducal crown, before an opportunity came for the accomplishment of a political revolution. During that century and a half Venice grew to be the queen of Mediterranean commerce and the mistress of an extensive colonial empire. The wealth and influence of the aristocracy increased with the prosperity of the State. They administered the subject cities and settlements. They led the armies and navies into

battle, and almost invariably with success; and some of the great Venetian families were as famous throughout the civilized world as any royal house. The common people were busy at their trades and their traffic, and were content to leave the honors and emoluments of office to those whom God and nature seemed to have marked as their masters. The lower class had plenty to do and nothing to fear; their lives and their rights were protected, and they enjoyed the guardian care of a stable government—a rare privilege in those stormy, tumultuous times. Universal suffrage still existed. Although the population had increased to about sixty-five thousand the national assembly was yet the great legislature of the republic. At fixed periods the three estates of the commonwealth, the Upper, Middle and Lower, were convoked in the church of St. Mark in the capital, or of St. Peter at Castello, to deliberate upon public affairs, and in the national assembly the plebeian was the equal of the proudest patrician. To abridge popular representation, to restrict the ducal prerogative, and to aggrandize their own order by appropriating the power taken from the people and from the prince, were the aims of the nobility.

II. The panic and confusion consequent upon the murder of the doge Vitali Michieli II (1172) afforded the long desired opportunity. The national assembly, stricken with horror by the assassination of the chief magistrate, was induced to consent to a reformation of the system of government, as essential to the safety of the republic; and the work of preparing a new constitution was intrusted to the Ducal Court, or Judges of the Palace. These judges, three in number, were probably selected for the important task because, in the first place, like all other leading office-holders, they were of patrician families, and because, as a supreme judicial tribunal, holding the power of life and

death, their work would carry with it a certain weight, and be regarded with awe and respect by the populace. Hazlitt thinks that the Court probably obtained authority to enrol additional members. They were assisted, no doubt, by the advice of the best and wisest men of their class. It is evident that the Commission was a thoroughly aristocratic body, and that the political system framed by it went as far toward the abolition of popular rule as any prudent patrician could desire. The Court also possessed interregal powers, for, during the latter part of 1172, while their labors were in progress, no doge was elected. Here was an additional reason why the Commission should be a Court accustomed to exercise authority and enforce obedience to its mandates.

The new constitution provided that the national assembly should no longer be the legislature of Venice. On occasions of extraordinary importance, such as the declaration of war, the conclusion of peace, and the confirmation of a doge, the three estates were to be summoned, as before, to the cathedral of St. Mark; but all the ordinary work of legislation was intrusted to a representative body, to be known as the Great Council. The city was divided into six wards. Each ward was to elect two deputies, and each deputy was to choose forty citizens, of good reputation, integrity, and experience in public affairs, four of whom might be members of his own family. These four hundred and eighty citizens formed the great Council. Any citizen who had entered on his twenty-fifth year, and who possessed the requisite qualifications of experience and merit, might be nominated for the Council, and the elections were to be annual. The day of election was the 29th of September, and members held their seats from Michaelmas to Michaelmas, and were re-eligible for the second and succeeding years. Attendance

was optional. Those who did not wish to be recorded for or against a measure remained away, and a House was regarded as full when from three hundred and fifty to three hundred and sixty members were present.

A practice grew up, with the growth of the patrician oligarchy, of holding elections for the Great Council half-yearly, and then returning only a moiety of the constitutional number of representatives. Sometimes, instead of two electors being nominated from each ward, four were appointed from each of the two procuratorial divisions of the city. The tendency of these innovations was to make the legislature exclusive, and to close its doors to all but the nobility. Seats were perpetuated in families until, at last, a few great houses controlled the Council, and were able to dictate laws to the nation.

In place of the two tribunes who had been associated with the doge was established a Privy Council of six, one from each ward. The members of the Council were nominated by the wards on the accession of the doge, and were to go out of office at his demise. This democratic method of election was not maintained long, and the councillors were subsequently chosen from among the senators, due regard being paid, however, to the representation of every quarter of the city. The chiefs of the high criminal court of Forty were likewise advisers to the doge, and these, with the Privy Council, were known as the Signory. The Signory opened all dispatches addressed to the prince, in or out of his presence. They presided, under the doge, or in his absence, over the sittings of the Senate and of the Grand Council, and the oldest among them acted, during the absence of the chief magistrate, as vice-doge. The vice-doge, though addressed as His Serenity, could not wear the insignia of the prince,—nor could he occupy the dual

throne, except when receiving a foreign envoy. The Signory pronounced upon questions of jurisdiction between tribunals, convoked the State assemblies, opened and closed discussions, and sustained propositions emanating from the government. They also judged certain civil causes, such as disputes between individuals and the treasury, but parties might appeal from their decisions to the regular tribunals. Either as a body, or individually, the councillors sat publicly to receive the complaints of citizens of all classes. During a vacancy of the throne they performed the duties and divided among themselves the emoluments of the chief magistracy; they did not leave the palace day or night, and were fed at the expense of the State. The Signory, with the sages, or ministers, appointed by the Senate to attend to special departments of the administration, formed the Ducal College, or cabinet of the doge.

Questions too weighty to be settled by the Ducal College, and not important enough to warrant the convocation of the Great Council, were to be submitted to a Senate. This body was the organization in permanent form of the old council known as the *pregadi*, men foremost in the State, who were called together by the doge on grave occasions to give him the benefit of their advice and experience. The Senate was composed, under the new constitution, of sixty members, nominated annually by the legislature. The number was afterward raised to one hundred and twenty, and still later to nearly three hundred.

The doge was chosen by an electoral college. The Great Council named thirty-four candidates, recommended by their eminence, their probity, and their experience in affairs of State. The thirty-four were reduced by ballot to eleven, and the eleven formed the electoral conclave. They took an oath binding themselves to observe the strictest

impartiality and justice in their choice, and the person receiving the suffrages of six or more of their number ascended the ducal throne. A novel and very complicated form of election was adopted in 1268. The youngest of the privy councillors proceeded to the cathedral of St. Mark, and there offered up prayer, invoking the blessing of God on the approaching event. The Great Council was then convened, and all not thirty years old were required to withdraw from the hall of assembly. The others resolved themselves into a committee of election. Out of the whole number present thirty were chosen by ballot. As many balls of wax as there might be voters having been deposited in an urn, a boy of tender years, taken at random from the Rialto, drew forth each ball separately, and handed one to each member in his proper turn. A strip of parchment, on which was written the word *Elector*, was attached to thirty of the balls. The thirty thus selected retired to a separate chamber, and reduced themselves by a similar process of ballot to nine. The nine, by a vote of at least six of their number, nominated forty, and the forty reduced themselves by lot to twelve. Then the twelve, by a vote of at least nine of their number elected twenty-five; the twenty-five reduced themselves to nine, and the nine, by a vote of at least seven, elected forty-five, who then reduced themselves to eleven. The eleven then proceeded to nominate Forty-one, who formed the electoral college, and it was necessary that the doge-elect should receive at least twenty-five votes. The new prince was then exhibited to the multitude with the formula: "This is your doge, if it be agreeable to you!" The people, of course, shouted approval.

The oath taken by the doges at their coronation was in early times plain and simple in its terms, but as the

aristocracy grew more vigilantly jealous of the ducal dignity and authority, new restrictions were continually added. The great Arrigo Dandolo, the conqueror of Constantinople, swore to observe and maintain the existing constitution; to consult, in every instance, the honor and advantage of the commune; to be prompt in rendering justice, and impartial in dispensing it; to carry the laws into execution without giving them a false or arbitrary interpretation; not to dispose of the public property without the cognizance and consent of the legislature, as well as of the Privy Council; to be strictly governed in pronouncing judicial sentences and decisions by precedent and established usage, or, failing those, by his own judgment or conscience; and to adhere closely, in the appointment of patriarchs, bishops, judges of the commune, judges of the palace, notaries, and other public officers, to the form and mode of election prescribed in each instance. He was bound to abstain from sending letters or dispatches to other powers without the advice and consent of his Privy Council, and was not to divulge secrets intrusted to his keeping. He also engaged to furnish at his own expense, in the event of a war, ten armed galleys; while he pledged himself, in cases where he might have cause to complain of private or personal wrong, to prefer his suit or accusation, like any other member of the commune, before the ordinary tribunals, and to refrain from procuring redress by an illegal or arbitrary exercise of authority. The requirement that the doge should equip ten armed galleys at his own expense in the event of war showed that large wealth was accepted as a necessary qualification for the ducal office.

Two boards were subsequently formed for the purpose of inventing new methods to bind the prince in constitutional trammels, and render him a helpless puppet in the

hands of the nobility. The Correctors of the Ducal Obligation, who were five in number, were intrusted with the duty of suggesting such changes as they might deem proper in the ducal prerogative, and the constitution of the republic. The other board, consisting of three members, were empowered to examine the conduct of the late doge, to receive and consider complaints from persons who might consider themselves aggrieved by arbitrary or illegal acts of the dead magistrate, to lay all such complaints before the Great Council through the Advocates of the Commune, or public prosecutors, and to enforce the decision of the legislature by publishing a censure of the departed, or by levying a fine on his estate. At their first meeting, in 1249, after the death of Jacopo Tiepolo, the Correctors recommended that a clause be introduced into the oath of office by which the doge would solemnly engage, first, neither to solicit nor accept, on behalf of his children or kindred, any appointment or dignity within or without the dogado; and, secondly, to govern in strict conformity with the laws and constitution. From the earliest times it had been customary for the doges to aggrandize their families by placing their sons and near relatives in offices of honor and emolument, civil and ecclesiastical. Tiepolo had followed the example of his predecessors, as he had a right to do, and it does not appear that he had given any special cause for complaint. But the patricians were no longer tolerant of a custom which tended to give preponderance and superiority to the family of the sovereign, and the recommendation of the Correctors was undoubtedly in accordance with the sentiment of their class.

Additional amendments to the obligation bound the doge-elect, first, to relinquish any commercial avocations in which he was engaged, and to abstain from carrying on any trade in his own behalf, either directly or indirectly; secondly, to

confine himself to the exercise of the authority vested in him by the laws and the constitution, and, thirdly, to communicate, without unnecessary delay, to the Privy Council any information which might reach him through private channels, or which he might personally receive, regarding treaties with foreign powers, plots or secret machinations against the State, and other matters affecting the public welfare and interests. At a subsequent period the intermarriage of the family of the doge with royal and noble houses abroad, without the full and express sanction of the legislative body, was interdicted. The children of His Serenity were incapacitated from holding any office or appointment under the government, excepting foreign embassies and commands in the navy. The doge was in no case to delay the liquidation of any private debts that he might have incurred beyond the eighth day after his accession, and was thenceforward to cease to engage in any transactions of a commercial or monetary nature. He was also bound to keep himself constantly informed, through his notaries public, of the number of prisoners in the cells of the ducal palace, and to cause steps to be taken for bringing to trial all persons so confined, at least before the expiration of a month from the day on which they had been committed to prison.

But while a jealous aristocracy gradually stripped the prince of the substance of power they never denied him the symbols. Venice seemed to take pride in surrounding her chief magistrate with grandeur as the impersonation of the State, and the very Inquisitors who would have promptly resented any stretch of the narrow ducal prerogative would have been pained to learn that any monarch of Europe was more richly clothed or more splendidly housed than the doge of Venice. The chief magistrate wore a robe of

purple and gold, the mantle which covered the shoulders being bordered with ermine or sable. The ducal berretta bore a close resemblance to the diadem of the kings of ancient Phrygia. It was a high round cap, of conical form, not unlike an episcopal mitre, and was composed of rich materials, generally of crimson or purple velvet. The apex was studded with pearls and precious stones, and it was surmounted by a plain rim of gold. The berretta became, in course of time, so heavy, on account of the addition of jewels and gold, that the doges seldom put it on, and about the middle of the fourteenth century the high dignitaries known as procurators of St. Mark were instructed to reduce the weight of the sacred emblem. Underneath the ducal crown the chief magistrate wore a white linen coif, in order that his head might remain covered when the bonnet itself was removed. He was attired in a doublet of red velvet, with straight sleeves tapering toward the wrist, and a high collar, the doublet being in fact hidden by an outer mantle, sometimes curiously figured, which descended almost to the feet, with a border of gold fringe and a small circular clasp of gold. A sable cap, red stockings, and shoes of a primitive pattern completed the dress. On festive occasions the doge's brows were encircled by a golden crown, resplendent with jewels, and his doublet and cloak were of cloth of gold. Before him a page carried a golden cushion, and a noble Venetian bore the Sword of State.

The honors of the prince were shared by his wife. She was known as the *dogaresa*, and addressed as "Her Serenity," the doge being officially entitled "His Serenity." She was enthroned with her husband, took an oath of office, subscribed to certain clauses of the ducal obligation, and wore a coronet of gold. The *dogaresa* was the first lady of the State. Sometimes, indeed, Her Serenity had

more than one claim to the deference of the proud nobility of Venice, as when the spouse of the doge was the daughter of an emperor or of a king. The jealousy which at so early a period curtailed the privileges of the chief magistrate, spared for centuries the unsubstantial honors of his consort. At length the dogaressa, too, became an object of correction, and she was forbidden to wear the fragile emblem which distinguished her from the other ladies of the republic.

At what period the primitive method of supporting the chief magistrate by individual contributions from householders was superseded is not definitely known, but about the year 1262 we find the sum of three thousand lire a month allowed from the treasury to meet the current expenses of the crown, the money being placed in the office of the procurators of St. Mark to the credit of the doge and Privy Council, who were authorized to draw upon it as occasion might require. The expenditure even of this amount was carefully accounted for, a monthly or quarterly schedule of items being prepared, and the accounts regularly audited at intervals of three months. Yet the doges could have had but little need for an official salary. They were almost invariably men not only of the highest patrician rank, but also of princely fortunes, and it was judged necessary to restrain their liberality by special enactment.

The last doge under the representative system of government was Giovanni Dandolo (1280-9). Though belonging to one of the oldest families in the republic he was the acknowledged chief of the popular party, and he steadfastly resisted the persistent efforts of the aristocracy to bar the doors of the Great Council to the people. It was, however, in the same reign that the Holy Inquisition

was introduced in the dogado. Venice had incurred the anger of the sovereign pontiff, Martin IV, by espousing the cause of Constance, wife of Peter of Arragon, and claimant of the throne of the two Sicilies, then occupied by Charles of Anjou, to whose dynasty Pope Martin was firmly attached. Constance was peculiarly obnoxious to the Court of Rome as the last heiress and representative of the House of Hohenstauffen, a family which, in the persons of Barbarossa and his grandson, had been so unrelentingly hostile to the cause of the Church. The republic was laid under an interdict, the churches were closed, and the functions of the priests declared to be suspended.

The Venetians bore what was in that age regarded as a terrible visitation, with dignified patience, and it was not until after the death of Pope Martin (1286) that overtures were made for the removal of the interdict. One of the conditions of the reconciliation is believed to have been the establishment of the Inquisition in Venice. Heresy had been treated as a penal offence from a period long anterior to the days of Giovanni Dandolo, but no permanent court had existed for the trial of such causes. The Venetians had jealously maintained the supremacy of the civil over ecclesiastical authority, and in agreeing to institute the new tribunal they surrounded it with such restrictions as seemed necessary to guard the rights of the citizen and the majesty of the State. In the capital the Court of the Inquisition was to consist of the papal nuncio, the bishop of Castello, and another ecclesiastic; the two latter, although they received their commission from the pope, being incompetent to act without the authority of the doge.

In the provinces the pontiff was likewise to have the nomination of the Inquisitors; but, should his nominees not be approved by the Signory, he was to make another

choice. At Venice three senators, and in the provinces three magistrates, were to be present at all sittings of the tribunal, and all proceedings taken in their absence were null and void. The lay members had power to suspend deliberations and to stay the execution of sentences, whenever they should judge the same to be contrary to the laws, or adverse to the interests of the republic. They were bound by a solemn oath to conceal from the Senate nothing which passed in the Holy Office, and were likewise obligated to oppose the publication, or even the entry on the registers of the Inquisition, of any bull which should not have received the approbation of the Great Council. They were on no account to be persons upon whom the Court of the Vatican might be able to exercise undue or unfair influence. No proceedings could be taken against Venetian citizens who might be open to a charge of heresy, at Rome or elsewhere, and no claim for extradition was admissible. The jurisdiction of the Holy Office was strictly confined to heresy; and those, including Greeks and Jews, who did not belong to the body of the Catholic Church, were not amenable to its authority. Exemption might also be claimed for persons guilty of bigamy, blasphemy, usury or necromancy, it being considered by the Venetian government that, except when a breach of the sacrament could be proven, these were merely secular offences. The property of condemned heretics was to revert to their natural heirs; and the funds of the Office were placed under the charge of a Venetian treasurer, who was responsible to the civil authority only.

III. Pietro Gradenigo had long been a leading representative of the Exclusionists, and his inauguration insured the triumph of that party. The multitude favored Giacomo Tiepolo, whom the patrician electors rejected.

The nomination of Gradenigo was received in sullen silence, but that circumstance did not deter the nobility from installing the doge of their choice. An accomplished and talented man, endowed with a pleasant temper and an indomitable will, and possessing the prestige of high birth, Gradenigo was specially fitted to be the manager of a great political revolution. The very disasters of his reign were favorable to the achievement of his cherished object—the complete subjection of the people to an aristocratic oligarchy; for a nation whose attention is much occupied by stirring events abroad is likely to be lax in vigilance at home.

On the 11th of September, 1298, a packed Great Council, by a final and decisive vote, abolished popular election, and intrusted the choice of members of the legislature to the high aristocratic court known as the Forty. On the 22d of March, 1300, a decree passed the legislative chamber forbidding the admission of any new man to the Council, until the step had obtained the previous concurrence of the Forty. In 1307 the seats in the Great Council were rendered still more difficult of access, and in 1315 the names of those eligible to the legislature were entered in the Book of Gold, so that the electors might know at a glance from whom they could select. The system of aristocratic government was completed in 1319, when annual elections were abolished, and any one entitled to have his name written in the Book of Gold could, at the age of twenty-five years, at once take a seat in the Great Council. The government continued, however, to select by lot every year, for admission to the legislature, a certain number who had not reached the required age—this being done in order to allay the impatient ambition of the young patricians.

The last vestiges of the old popular system of legislation

were swept away in 1423, when the National Convention was not only virtually, but constitutionally and specifically abolished. On the seventh day of April in that year the Correctors of the Ducal Obligation inserted in the coronation oath a clause declaring that "all and every such resolutions as shall have been taken heretofore in the Great Council, in which it is found recited that they are put in *Arrengo* (that is, put to a vote of the popular assembly), likewise such as shall have been taken during this vacancy of the Crown, shall, upon their adoption by the Great Council, acquire the same force and validity as if they had been published in *Arrengo*, "and the *Arrengo* shall not be convoked, save at the election of our lord, the doge, when it shall be summoned, and the said election be promulgated, according to practice." In the same year, in presenting Francesco Foscarei to the people, the old formula was dispensed with, and the chief of the electoral college simply said: "This is your doge!"

The closing of the doors of the Great Council to the commonalty resulted in an increase of the number of legislators, since every Venetian nobleman, properly qualified, could take his seat in the deliberative body. Whereas, in 1296, the Great Council numbered, exclusive of persons who occupied seats by virtue of their official rank, such as the doge, Privy Councillors, the Forty, and others, two hundred and ten only, in 1311 the roll had risen to one thousand and seventeen, and in 1340 to twelve hundred and twelve. Subjects of importance could be considered only in a house of at least eight hundred members, though, by a law passed in 1775, the limit was reduced to six hundred. Ordinary legislation might be transacted by a Council numbering not less than two hundred.

The right to offer propositions in the Great Council was

confined to the doge, to his six councillors, as a body—that is, when the motion was supported by a majority of them—the three Chiefs of the Criminal Forty—when they were unanimous—and each of the public prosecutors. The overseers of the canals and the overseers of the navy-yard could offer resolutions upon subjects pertaining to their own departments. Propositions introduced by the doge might be acted upon at once; other motions only after a certain delay. Any member of the Council might speak for or against a proposition after it had been submitted. The use of lights was forbidden, and the Council, therefore, necessarily adjourned at sunset. Orators were obliged to use the Venetian dialect, the Tuscan dialect being only allowed in the opening of a subject.

The Great Council, though composed of one class, was far from being a one-minded body. The spirit of faction was as rife as during the period of the democratic constitution; party nicknames were bandied among the gentle-blooded legislators, and scurrilous epithets, and even blows, were sometimes exchanged. Indeed, but for the salutary prohibition of the use of side-arms, blood would, no doubt, have sometimes been shed, so terrible were the scenes of anarchy and disorder.

The Senate, as organized after the closing of the Great Council, included sixty senators elected by the Great Council, sixty assistant senators, designated by the same body, the doge, his Privy Council, and the three Chiefs of the Forty, the Council of Ten, the public prosecutors in office, and those who had gone out of office, thirteen senatorial magistrates, fifty-five candidates, of whom twenty only had a voice in deliberations, ambassadors appointed to or returning from posts, the ex-podestas of Verona, Vicenza and Bergamo, and the sixteen sages, or ministers, of whom ten had no

deliberative voice. In the Senate political affairs, peace, war, treaties, the cession of territory, interior police, and all matters relating to those subjects were discussed. The Senate had special charge of the public finances, of coining, the borrowing of money and the levying of taxes, but could not increase the duties, or establish new imposts, without the consent of the Great Council. The Senate had also the power to nominate military commanders and ambassadors. Senators were chosen for one year, and had each year to run the risk of an election, but influential men usually managed, either through merit or by intrigue, to obtain the requisite suffrages. A seat in the Senate was the stamp of high aristocracy, and was eagerly sought for by those who aspired to distinction from the throng of nobles in the hall of the Grand Council. According to law a senator ought to have attained his fortieth year, but in the latter days of the republic the qualification of mature age was frequently ignored. The acts of the Senate had no legal force unless at least sixty members were present.

The sixteen Sages, or Ministers, were divided into two classes. The Grand Sages, six in number, were so-called because they managed the most momentous affairs of State, and examined subjects which were to be submitted to the Senate. Each week they selected one of their number to receive all communications and requests, and to put the various matters in shape for consideration, before sending them to the Senate. The Sages of the Main Land were five in number, and were created in 1340. One of them was known as the Sage of Writing. His functions were to dispatch men-of-war, and to muster and to disband companies of troops. He was appelliant judge of all sentences and decisions rendered in Venice, or outside of the city, against soldiers, whether the charges were civil or criminal, and he

disposed of them briefly and finally. Another member of this board was known as the Sage Cashier, or Paymaster. He directed the payment of the military and navy, and of all to whom money was due by the State. No money could be disbursed except on an order signed by him. The remaining three Sages had no particular duties assigned to them. They filled the places of their colleagues when the latter were absent, and, although very much inferior to the Grand Sages, were addressed by the title of "Excellency."

The Sages of Orders, five in number, were young noble-men of the highest rank, who had a seat in the College, but no voice in its deliberations. The object of giving them this privilege was that they might learn the science of government by listening to their experienced elders. When they wished to speak, they stood up with uncovered heads. They were also known as the Sages of the Sea, because maritime affairs were under their jurisdiction, and it was only when their department was being discussed that they were allowed to give an opinion. This magistracy was for a long time one of the most influential in the republic, but when the Venetian marine declined it lost its importance.

The Procurators of St. Mark were officers of great dignity and influence, and the position was eagerly sought after by the first men of the State. To them was intrusted the care of the treasures of the national basilica, but other and important duties were gradually added to this honorable one. The number of procurators was increased from one to three, then to six, and afterward (1442) to nine. When the Great Council elected a third Procurator in 1259, the duties of the office were parted among them. To the first was given the government of the ducal church, to the second the control of all bequests left by persons residing on the near side of the canal, and to the third the manage-

ment of similar legacies from the far side of the canal. Thus the near and far side came to be recognized as the procuratorial divisions of the city, and electors of the Great Council were sometimes chosen by these divisions, instead of by wards. When the number of procurators was increased the office was divided into three chambers, with the same duties as above described. When the Great Council fixed the number at nine, it also decreed that no more should be nominated for the office, until after the death of one of the incumbents.*

The compensation of the procurators was not great—only six hundred lire a year; but the honors and privileges were extensive. The procurators came immediately after the doge in official rank. A palace was provided for their accommodation, and they could not absent themselves from Venice more than two days in a month without permission from the Great Council. Being members of the Senate for life they were not obliged to court the favor of the lesser nobility in order to obtain that dignity. It was the duty of the procurators, however, during the sessions of the Great Council, to post several of their number in the clock tower, to guard, nominally at least, against any attempt to disturb the national legislature. They were also entitled to be represented in the Council when their affairs were under discussion.

*The finances of the republic were so exhausted by the war that followed the League of Cambray that the Great Council departed from its ancient custom of electing procurators on the ground of merit only, and sold the dignity to six nobles for gold. In 1522 twelve more bought the title for ready money; but, in 1556, the procurators having been reduced by death to nine, the legislature again declared that to be the proper number. But six of the places were again sold in 1570 to defray the expense of the war against Turkey. So great was the ambition of the nobility to hold this important trust that, when the position was offered for sale at a minimum price of twenty-five thousand ducats, in 1645, to raise money for the defence of Crete, forty candidates stepped forward, and, so eager was the competition, that the office brought four times the price originally named.

CHAPTER XXIII.

VENETIAN JURISPRUDENCE—THE BANK OF VENICE.

- Part I.—The Venetian Common Law—The Ducal Court—Creation of Distinct and Stationary Tribunals—The Forty—The Three Civil Forties—The Venetian Probate—Public Prosecutors—Censors—Syndics—Criminal and Civil Lords of the Night—Reformers of Pomp—Sumptuary Regulations.
- Part II.—Laws of Evidence—of Marriage—of Inheritance—Relations Between Creditor and Debtor—The Writ, “*Ne Exeat Ducatu*”—Guardians and Trustees—Forms of Procedure in Civil Actions—Examination of Witnesses.
- Part III.—The Code of Criminal Law—Penalties—Methods of Capital Punishment—Political Offenders—Torture—The Police.
- Part IV.—Laws for the Regulation of Maritime Affairs—Impressment of Merchant Vessels in Time of War—The Chamber of Armament—The Council of Civilians which Accompanied the Fleet—Proveditors—Captains of Galleys—The Treasurer of the Fleet—Judges of the Fleet.
- Part V.—The Bank of Venice—Origin of the Bank—The Chamber of Loans—Causes of the Establishment of a Cash Office—The Premium on Bank Credits not Based on the Fiat of the Government—Various Authorities—Bank Credits at a Premium, while the Bonds of the Republic were below Par—The Bank may have been Rotten.

I. The Venetian common law, upon which the statute law was based, was a distinctive growth, just as the Venetians were a distinct and peculiar people. The founders of the republic impressed upon its institutions the stamp of the Roman system under which they had lived. That stamp

remained, but nothing more. The jurisprudence of Venice was Venetian—not Roman, and not copied from the Justinian code.

In early times the Ducal Court was the highest judicial tribunal. It consisted of three members, and the doge was president. It was the custom of the Court to make a circuit of the dogado at regular intervals, administer justice, redress abuses, and rebuke the maladministration of subordinates. The authority of this tribunal was undefined. It possessed and exercised both legislative and judicial functions, and from its decisions there was no appeal. The creation of distinct and stationary tribunals relieved the Ducal Court from its itinerant duties, and the high jurisdiction which it had possessed became invested in that mysterious legislative court known as the Forty. This tribunal was composed of patricians nominated by the Great Council. Its authority was almost unlimited. In criminal matters it was supreme; it also took cognizance of commercial affairs, especially insolvencies, and exercised the pardoning power. But the influence of the Forty was most weightily felt in politics. They were the prime movers and active supporters of the revolution that resulted in closing the doors of the Great Council to all but the nobility. They seem to have regarded themselves as the champions of the patrician cause, and few cared to beard a tribunal which wielded the power of life and death. The three Chiefs of the Forty sat in the Council of the Doge, and also proposed laws in the Great Council. The members of the Court were elected every year, but, being re-eligible, their annual re-nomination became a mere form.

Besides the court commonly known as the Forty were three other tribunals, each also composed of forty members, whose duties were strictly judicial. They listened to appeals

in important civil cases arising in the dogado and the Venetian provinces. The Old Civil Forty passed upon appeals in suits brought in Venice, when the amount at stake was not less than eight hundred ducats, and the other two Forties took cognizance of provincial appeals. All these judges were patricians.

The *Magistrato del Proprio* was an officer whose duties were similar to those of a Surrogate or Judge of Probate. He examined into the legality of wills; administered the property of persons who had died intestate, exercised control over the transfer and conveyance of estates, and protected the rights of the widow and the orphan.

The *avogadori di commune* performed duties similar to those of a district attorney, or public prosecutor. They investigated and called attention to crime, and managed the prosecution of criminals.

The inferior tribunals were numerous, and their jurisdiction extended over many of the details of private and public life. The Two Censors prosecuted noblemen who intrigued for office. The Three Syndics examined the acts, and annulled, if they saw fit, the judgments of the inferior courts of St. Mark and of the Rialto. They also punished clerks, attorneys, bailiffs and scribes who demanded more for their services than the law allowed. The six Criminal Lords of the Night took cognizance of thefts, arson, rapes, and other crimes committed during the night. They had the authority to condemn to death, subject to confirmation by a higher court. The six Civil Lords of the Night judged matters not entirely of a criminal nature, which had occurred during the nocturnal hours.

The Reformers of Pomp possessed attributes similar to those of the Roman censors. It was their duty to restrain luxury, and to reprimand or correct those who violated the

sumptuary laws. One of these enactments (May 21, 1360) limited the amount of marriage presents, and the value of personal ornaments, spinsters being especially forbidden to wear more than \$150 worth on their persons—certainly a liberal allowance, considering the difference between the value of money now and then. To married women the law was even more liberal. They could decorate themselves at more than double the expense to which their single sisters were restricted. The doge, dogaressa, and the ducal family were expressly exempted from these restraints, and the military, the judiciary, and doctors could wear what they pleased.

II. The Venetian *Statuto*, or Statute, was divided into five books, and these were subdivided into two hundred and three chapters.* The First Book contained—1. The form of appeal in civil actions and actions for debt. 2. Regulations regarding the alienation of church temporalities. 3. The Law of Evidence, under which head were set forth the different classes of evidence, and to what extent, and in what manner each was admissible; the amount of proof necessary under various circumstances; the method of examining and compelling the attendance of witnesses, and the acceptance or refusal of bail. 4. The Law of Marriage, regulating dower, the right of the husband in the wife's estate during coverture, and her claim, should he die intestate, to the absolute enjoyment of his property. 5. The Law of Inheritance, providing for the division of an estate according as the departed had left behind him sons only, or daughters only, or both, or neither; also regulating the partition of property left in common, and providing, first, that, in default of other issue, children born out of wedlock

*The above sketch of the Venetian *Statute* is condensed from Hazlitt's "*History of the Origin and Rise of the Republic of Venice.*"

might inherit, whenever it could be shown that the parents had, at a subsequent period, and prior to the preparation of the will, been lawfully married, and secondly, that no testament or codicil could be pronounced valid, whereby a child, legitimate, or otherwise, was totally disinherited.

6. Accounting persons who had taken the cowl or veil as civilly dead, and therefore incompetent to make wills, succeed to property, or administer the property of others.

7. Setting forth the relations between debtor and creditor. An insolvent person could be committed to jail until he had satisfied the demands of his creditor, but the complainant was obliged to produce, if required, a legal authorization for such an extreme measure, and, should he fail to do so, his claim at once became invalid. The judges, too, were enjoined on no account to sign without mature consideration the writ *Ne exeat Ducatu*, and in this respect the Venetian code might well be imitated by some of our New England States, where writs of arrest are issued in the most reckless manner through the medium of irresponsible attorneys.

The Second Book of the Statute treated of the appointment of guardians and trustees of the estates of minors and lunatics, and of the method of establishing lunacy or unsoundness of mind; the disposition of the property of an insane person; the right of the heirs to succeed to possession, and obligation of the trustee to render an account of his administration.

The Third and Fourth Books bore upon the Law of Partnership, of Landlord and Tenant, and of Possession.

The Fifth and last Division was of a miscellaneous nature. It contained isolated clauses regarding the possession and descent of property, and also the character of Title Deeds, which were valid only when they bore the signatures of two, at least, of the Examiners.

When a Venetian desired to institute a civil suit against another it was necessary for him to present himself before the doge in *Placito*, or public court, and pray for a *Ministerial*, or license *in jure*, with an order to the defendant to appear on a certain day in answer to the charge. If the ground of the complaint seemed good and sufficient, the prayer of the plaintiff was granted; and the summons was served by an officer of the Court at the dwelling of the defendant, whose absence was not admissible, under ordinary circumstances, in support of a plea of ignorance. If the defendant appeared at the appointed time, a space of four days from the date of the summons was allowed him for the purpose of obtaining counsel; and, on the expiration of that term, a hearing of the case might be commenced. The Bench often, like our American courts, reserved its decisions, and litigations were sometimes prolonged for years. Indeed, instances are recorded in which lawsuits outlasted several lives.

If the defendant neglected to appear either in person or by proxy, and the suit of the plaintiff was evidently just, it was the duty of the judge to grant an order *Ne exeat Ducatu*, which forbade the recusant to leave the dogado, unless he could produce a proxy, or furnish satisfactory bail. The judicial writ remained in force during twelve months. If the defendant still remained a defaulter, no further grace was extended to him, and, after the plaintiff and his witnesses had testified under oath, judgment was recorded against the absentee. A distraint was then made on his goods and chattels, and, if within reach, he was committed to prison until such time as he might arrive at a compromise with his creditor.

Witnesses were severally and separately examined by the Bench previous to the commencement of a trial, and if the Court came to the conclusion from their manner or their

contradictory statements that they had been corrupted or suborned, their testimony was rejected. The Court might also summon anyone supposed to be in possession of facts relevant to the issue, to attend, and could inflict a penalty of three lire for contempt of Court. Not only those who were said to know the facts of the case were thus questioned beforehand, but persons who were acquainted with the parties, their money transactions, and their surroundings. Legal proceedings were conducted in the Venetian tongue, as the peculiar dialect of the dogado was called.

III. The code of criminal law, known as the Promission of Crime, was not severe, considering the barbarism of the era in which it was framed. As in most mercantile communities, offences against property were harshly dealt with. When the amount stolen did not exceed ten *soldi* (ten cents), and the delinquent had not been convicted before of a similar crime, he or she was simply flogged. On a second conviction the sentence was heavier; and the scale of penalties ascended gradually to capital punishment, which was inflicted for the theft of forty lire, equivalent to eight dollars of our currency. If the criminal was a man, he was hanged between the Red Columns; if a woman, she was put to death in such manner as the judge might direct.*

Forgers and coiners were condemned to lose one hand. Burglary with violence, rape and adultery, were punished with the mutilation of a hand and the extinction of eyesight, unless, in the two latter cases, the culprit was in a

*The custom of executing malefactors between the Red Columns originated in the year 1178, in the reign of Sebastiano Ziani. The lofty monoliths had been brought from Greece by Michieli III, and after remaining neglected for several years were placed in position by a Lombard engineer named Nicolo Barratiero, who, it is presumed, had the superintendence of the works of public improvement then being carried on by Ziani. The government, gratified with Barratiero's suc-

condition to indemnify the injured party. Ordinary burglary was treated as theft. By a law enacted in 1288 a bigamist was required to restore the property received with his second wife, and if no such property existed, he was required to pay to the aggrieved party—that is the woman who had been led into marriage by his misrepresentations, an indemnity of one hundred lire, or, in default, be imprisoned for twelve months.

Capital punishment was inflicted by starvation, decapitation, strangulation, and hanging. In the starving process the condemned, having been conducted to the Campanile, was inclosed in a large wooden cage with iron bars, suspended by a strong chain from a pole attached to the building. He was fed on a diminishing scale with bread and water, which he received by letting down a cord, until at length he perished from exposure, hunger and misery. This punishment was only resorted to in extreme cases.

Political offenders were generally beheaded, sometimes with gags in their mouths. Strangulation was the method commonly resorted to by the Council of Ten to get rid of its victims. It will be more particularly described hereafter. Hanging was the ordinary mode of executing common malefactors. Sometimes, also, malcontents and conspirators were hanged, when they belonged to the lower orders, and it was desired to deter others from following their example. Torture was seldom applied in criminal cases of an ordinary nature. The Council of Ten, however, used it

cess, told him to name his reward. Games of chance were prohibited in Venice under severe penalties, and the Lombard asked and obtained, as a special favor, the exclusive privilege to gamble between the two pillars. The feelings of the people were justly outraged by such a shameful exhibition in the heart of their republic, and, in order to make the disgraceful monopoly worthless, it was decreed that all criminals doomed to death should suffer between the Red Columns.

very freely, in order to extort confessions from persons arrested on suspicion. Undue cruelty—according to the light of those ages—was rarely exercised. The Venetians—even the remorseless Council of Ten—were quite content with getting rid of an enemy, and did not care to gloat over his agonies.

The Venetian police were well organized. The force was headed by the Chiefs of the Wards, under whom were the Captains of the Streets, and subordinate to the Captains were the *custodi*, or watchmen. The watchmen were authorized to serve civil as well as criminal process, one of their duties being to arrest refractory debtors. They patrolled the streets, took into custody vagrants and troublesome persons, and reported all important matters to their Captain. The Captain, in turn, reported to his Chief, and the latter had the authority to dispose of petty cases, by inflicting summary penalties of a light nature, or short terms of imprisonment. When the crime charged was of a grave character, the accused was committed for trial before a higher tribunal, and—after that Court had been established—before the Lords of the Night. The Venetian police gradually became converted into a secret service, and its members into political spies, ever on the alert for some morsel of suspicion or fact to carry to their patrician masters. That they proved themselves efficient and faithful the history of Venice bears evidence.

IV. The laws for the regulation of maritime affairs were stringent and minute, bearing particularly upon every point touching the tonnage, rigging and equipment of a vessel, the selection of a crew, the reciprocal obligations of the seaman and his employer, the signature of articles and payment of wages, the penalty for desertion, and the arming and victualling of ships. Even the allowance of water,

flour and biscuit was regulated. The lading of vessels and the measurement of the cargo were subjected to severe scrutiny, and the penalty for carrying a cargo in excess of the legitimate quantity was a fine amounting to double the value of the excess. Consignees were required to remove their goods, upon due notice being given, within two days after arrival, or in default to forfeit two lire a day until the law was complied with, saving always those cases in which sufficient cause could be shown for the delay or neglect. The duties and obligations of the *Padrono* were also set forth, whether he was both the owner and captain of the ship, or only the captain, as likewise the relations of the *Padrono* to the representatives of the Venetian government at home and on foreign stations. All Venetian vessels were marked at a certain point, on one or both sides, with the figure of a cross. During the first five years of service the owner might load two feet and a quarter above this point; in the sixth year the standard fell to two feet, and, after the seventh, not more than a foot and a half of water above the cross was allowed.

Down to the middle of the fourteenth century it was the custom of the Venetians, whenever war broke out, or it became necessary to chastise the pirates of Africa or Dalmatia, to impress and fit out merchant vessels as men-of-war. Sometimes a stipulated price was paid for the use of the ships, but often they were taken without compensation to the owners. A Chamber of Armament existed, where seamen were required to register their names, with that of the ship on which they desired to serve. At the close of hostilities the vessels were released; and any which the government had purchased or built for the express occasion, were sold at auction, and converted by the buyers to purposes of trade. But the patriotism of private citizens

frequently relieved the State not only from the expense of chartering galleys, but also of taking mariners into pay. Indeed, it may be said to the credit of the Venetian nobility that, while they jealously monopolized the honors and emoluments, they were never backward in bearing the burdens of the republic.

A Council of Civilians, who rarely exceeded four in number, accompanied every fleet sent abroad. Their duties were indefinite, except in one important particular—they could, by a plurality of votes, impose a veto on any intended step of the naval commander. The officious interference of these civilians sometimes worked great injury to the republic. The disastrous defeat of Curzola, in 1298, was owing to the fact that the citizen advisers insisted that Andrea Dandolo, the Venetian admiral, should, contrary to his own judgment and convictions, engage the Genoese. Subordinate to the admiral were the *proveditors*, who seem to have corresponded to the commodores of our navy. Below the *proveditors* were the captains of galleys, whose authority, at first undefined and extensive, was gradually circumscribed by law. During the administration of Giacomo Contarini it was decreed that any captain returning from a mission or voyage under circumstances of ignominy should be liable to a penalty of one hundred marks of silver, and in 1293, the Great Council enacted that any captain who deserted the main squadron, or detached himself from it without authority, should suffer death. Subsequently to 1295 the election of captains of galleys was made by ballot in the Great Council. Every squadron had a *Camerarius*, or Treasurer, in whose hands were lodged the funds from which monthly payments were made to the officers and men. Two *Judices Stoli*, or Judges of the Fleet, accompanied each large flotilla. This office was

probably filled by members of the judicial bench of the dogado, and their jurisdiction was confined to the fleet with which they sailed.

V. It is proper here to give some notice of an institution which had much to do with building up the credit and financial prosperity of the Venetian commonwealth—the Bank of Venice. The functions of this famous bank have been so misrepresented by the advocates of a stamped-paper coinage that generally well-informed persons might be pardoned for entertaining confused notions in regard to them. The Bank of Venice originated in the twelfth century, owing to a forced loan, similar to the special war-tax of the Romans and Athenians, but with the important difference that the money exacted was to be repaid. Every citizen was obliged to contribute one hundredth part of his property, and certificates of the amount contributed were issued to each taxpayer, the certificates bearing interest at the rate of five per cent. The public revenues were pledged for the payment of the interest, and a board of commissioners, called the Chamber of Loans, was instituted, to manage the payment of interest and the transfer of stock. Several subsequent loans, voluntary and forced, were engrafted on the first one.

For several centuries after the foundation of the Chamber of Loans, the Chamber continued to be a board for the management of government loans. But the demands of Venetian commerce compelled the Chamber to assume the duties of a bank, not with a view of earning profits, but for the regulation of the currency, and in order to maintain an equable and unvarying standard of coinage. To be able to fully comprehend the functions of the Bank of Venice it is necessary to know something of the condition of the world at the time that the Bank flourished. The Venetians were

the Tyrians of the Middle Ages. The dogado consisted of a few small islets, and the subject territories were half barbarian. The Venetian merchants traded in all parts of the known world, and were, of course, compelled to accept in payment for their goods the alloyed and imperfect coins current among the nations to whom they sold the products of Venetian skill and industry. The consequence was that immense quantities of base and clipped coinage flowed into Venice, and caused much embarrassment, not only to mercantile men but to all classes of citizens. The Venetian government undertook to remedy this state of affairs by establishing a cash office as a part of the Bank. At this office a merchant might present any coins he had received, and credit was given to him for the actual value of the coins at a pure metallic standard. Notes were issued representing the amount of the credit, and the notes were payable on demand to bearer in coin of full weight and of the highest standard of purity. The current ducat was debased in order to prevent its exportation, while the ducat in which the Bank paid its credits was kept up to an invariable intrinsic value. Partly for this reason the bank credits were at a premium of twenty per cent over current coin. Another reason for the premium was that the credits were very much in demand by merchants and others going abroad. In those stormy times, when Europe was parceled among petty princes, some of whom were titled highwaymen, it was dangerous to carry a large amount of coin, and, as the bank credits of Venice were known and honored wherever capital had a foothold, and could be hidden about the person or in baggage much more easily than metallic money, they were equally convenient as and much more requisite than the letters of credit and drafts used by modern travelers. The Bank does not appear to have done a dis-

count business, but confined itself to the sphere formed for it by the government.*

The pretense that the premium on the bank credits was based upon national credit only, unsustained by money in the vaults of the bank—was in fact, a premium based upon the *fiat* of the government—is contrary to the evidence of

* For the benefit of those who think that national banks cannot be anything but an unmixed evil, I take the liberty of quoting Machiavelli's interesting sketch of the Bank of St. Giorgio, of Genoa, a contemporary of the Bank of Venice: "As we shall have frequent occasion to speak of St. Giorgio and the Genoese, it will not be improper, since Genoa is one of the principal cities of Italy, to give some account of the regulations and usages prevailing there. When the Genoese had made peace with the Venetians, after the great war, many years ago, the republic, being unable to satisfy the claims of those who had advanced large sums of money for its use, conceded to them the revenue of the *Dogano*, or custom-house, so that each creditor should participate of the receipts in proportion to his claim, until the whole amount should be liquidated, and, as a suitable place for their assembling, the palace over the custom-house was assigned for their use. These creditors established a form of government among themselves, appointing a council of one hundred persons for the direction of their affairs, and a committee of eight, who, as the executive body, should carry into effect the determinations of the council. Their credits were divided into shares, and they took the title of the Bank, or Company, of St. Giorgio. Having thus arranged their government, the city fell into fresh difficulties, and applied to San Giorgio for assistance, which, being wealthy and well-managed, was able to afford the required aid. On the other hand, as the city had at first conceded the customs, she next began to assign towns, castles, or territories, as security for moneys received; and this practice has proceeded to such a length, from the necessities of the State, and the accommodation by the San Giorgio, that the latter now has under its administration most of the towns and cities in the Genoese dominion. These the Bank governs and protects, and every year sends its deputies, appointed by vote, without any interference on the part of the republic. Hence the affections of the citizens are transferred from the government to the San Giorgio, on account of the tyranny of the former, and the excellent regulations adopted by the latter. Hence also originate the frequent changes of the republic, which is sometimes under a citizen, and at other times governed by a stranger; for the magistracy, and not

the highest authorities. Broggia, an Italian writer on financial subjects, who published a work on money in 1743, when the bank was yet in existence, and who may be presumed to speak from personal knowledge and observation, attributes the premium on the bank credits to the maintenance of the money standard at an invariable intrinsic value, while current coins were depreciated, to the reputation of the bank for solvency, to the avoidance of underweight and the confusion common on change, and the security against the risk of loss involved in the conveyance of coin. The testimony of Daru—an excellent authority where his personal and political prejudices are not concerned—is similar to that of Broggia, and Jacques Savary, in his *Parfait Negociant*, first published in 1675, shows that the current coins of Venice were debased so as to be considerably inferior in value to the bank standard. But there is one fact, not mentioned by any of the above-named writers, which seems an all-sufficient and unanswerable refutation of the *fiat* theory of Venetian bank credits. If the high

the San Giorgio, changes the government. So when the Fregosi and the Adorni were in opposition, as the government of the republic was the prize for which they strove, the greater part of the citizens withdrew, and left it to the victor.

The only interference of the Bank of St. Giorgio is when one party has obtained a superiority over the other, to bind the victor to the observance of its laws, which up to this time have not been changed; for, as it possesses arms, money and influence, they could not be altered without incurring the imminent risk of a dangerous rebellion. This establishment presents an instance of what in all the republics, either described or imagined by philosophers, has never been thought of: exhibiting within the same community, and among the same citizens, liberty and tyranny, integrity and corruption, justice and injustice; for this establishment preserves in the city many ancient and venerable customs; and should it happen (as in time it easily may) that the San Giorgio should have possession of the whole city, the republic will become more distinguished than that of Venice."

value of those credits was based, not upon the fact that they were redeemable in coin of the highest standard of purity and of full weight, but upon the mere *fiat* of the Venetian government, then the bonds of the Venetian State, which did contain a promise to pay, ought to have been of at least equal value with the bank credits. But we find that toward the close of the eighteenth century, while the bank credits were at a premium and in demand, the bonds of the Venetian republic were quoted at sixty per cent of their nominal value. It is clear, therefore, that the bank credits had something behind them more substantial than the *fiat* of the republic. It is not at all unlikely that the bank, like nearly everything else in Venice, was rotten, and that its vaults were sometimes almost empty when supposed to be full; but, if so, the fact would not be altered that the credit of the bank was based upon the assumption that it had a ducat of the highest standard of weight and purity for every ducat represented by its notes of credit.

CHAPTER XXIV.

THE VENETIAN COUNCIL OF TEN—DECLINE AND FALL OF VENICE.

- Part I.**—A Council of Ten Created—The Council becomes a Permanent Body—Constitution of the Council—The Inquisitors of the Ten—Unlimited Power of the Decemvirate—Peculiar Situation of the Venetian Oligarchy—The Prince as Amenable as the Meanest Laborer to the Jurisdiction of the Ten—Additional Restrictions upon the Ducal Authority—The Doge a Prisoner in Gilded Chains—A Junta of Leading Citizens Called to the Assistance of the Ten in Deliberating upon Subjects of Importance—The Oath of Secrecy—Action Taken Swiftly and Silently.
- Part II.**—The Inquisition of State—Espionage Refined to an Art—Anonymous Denunciations Deposited in the “Lions’ Mouths”—How Malcontents were Silenced—The “Wells” and “Leads”—Casanova’s Description of the “Leads”—How Prisoners were Strangled—Silvio Pellico’s Experience in Venetian Dungeons—Terror Inspired by the Secret Methods of the Inquisition.
- Part III.**—Attitude of the Venetian Oligarchy toward the Papal Court—Venice and the Reformation—Persecution and Suppression of Protestantism in the Dogado—Contest between Venice and Pope Paul V—Father Paul Upholds the Cause of the Republic—A Compromise—The Spanish Conspiracy—Its Exposure and Frustration—Terrible Punishment of the Conspirators—Severe Measures for the Prevention of Similar Plots—Revolt in the Legislature Against the Tyranny of the Inquisition—Wide Difference of Opinion in Regard to the Decemvirate—The Office of Perpetual Secretaries of the Ten Abolished, but the Council Perpetuated.
- Part IV.**—The Republic Compelled to Sell the Privileges of Nobility in order to Obtain Money—Successful Assertion of Ancient Popular Rights in the Choice of a Doge--

The Decemvirate Affected by the Progress of Civilization and Enlightenment—The Last Victim of the Inquisition of State.

Part V.—The Classes of the Venetian Aristocracy—Lords and Barnabots—Laws and Customs Intended to Prevent the Decay of Noble Families—Restrictions upon Members of the Nobility—Patrician Paupers—Weakness of the Venetian System of Government—Exclusion of the Middle Class from the Direction of Public Affairs—"The Most Dangerous Enemy Within the Walls."

I. The usurpation known as the closing of the Great Council was sealed with the blood of eleven malcontents who dared to record their protest against it, and forty-two chiefs of the popular party were banished forever from their country. But even unsparing severity did not insure passive acquiescence in the new order of things. The discovery of the stupendous conspiracy, headed by Marco Quirini and Bajamonte Tiepolo, for the overthrow of the doge, and the thought of how near the attempted revolution had been to success, created a widespread desire among the supporters of the government for the concentration of legislative and executive power in a body less unwieldy and less divided in sentiment than the Great Council.

The Forty, as usual, were the movers of the proposed change, the object of which purported to be a thorough and rigid inquiry into the origin, bearings and ramifications of the conspiracy, and the prevention of similar plots in the future. They proposed that "the Council of Fifteen (a commission of citizens appointed with extraordinary powers in time of war), united with the Chiefs of the Forty, shall be empowered for certain specific objects to act and order in such a manner as it may think proper, and that all such acts and ordinances shall be accounted good and valid, as if they had proceeded from the Great Council."

To this proposition it was objected that the proposed Council would be too large and therefore incompact, and it was decided to create a new tribunal. On the tenth of July, 1310, a Committee of Ten was instituted, with the full understanding that the trust was created for temporary and specific purposes only, and that it would expire at the end of two months. The Committee was authorized to ferret out and punish high treason and other felonious crimes among the nobility, to dispose of the public money, and to exercise all the powers of the Great Council.

When the two months had elapsed, the doge, contrary to his usual practice, went to the legislature in person. He said that the day had arrived on which the dissolution of the Committee of Ten was to take place, and suggested that, as the republic was still in difficult circumstances, and the popular ferment and excitement had not yet subsided, the existence of the Board should be prolonged for a term of two months, in order that it might continue to direct its labors to the rooting out of treason and sedition. A resolution to the desired effect was framed and carried, and the Committee was authorized to retain its power until the 30th of November, in the same year. On the 30th of November another extension was granted until the 30th of January, 1311. The system of governing the State through an ever-vigilant executive committee proved so satisfactory to the mass of the patricians that, when the time came for the Decemvirate to retire, its existence was continued for five years. In 1316 the Council obtained an extension of ten years, and in 1326 another for the same length of time. On the 20th of July, 1335, the Council was declared a permanent body.

The Council of Ten consisted of ten patricians who had attained forty years of age, and who were selected from

different families. They were nominated annually, and were re-eligible only after an interval of two years. To these ten were added the doge and his privy council, so that the Council of Ten was in reality a Council of Seventeen. Three Captains, or Chiefs, elected by the Council, succeeded each other in bi-monthly rotation, presided at every meeting, and initiated the proceedings. It was not until some time after their original institution in 1310, that the Decemvirs resorted to the practise of delegating their powers provisionally and specially to one, two, or three of their number, according to circumstances, and these extraordinary functionaries were known as the Inquisitors of the Ten. The first instance in which such a course was adopted was on the third of January, 1313, when three were so appointed with temporary jurisdiction. The Inquisitors of the Ten were undoubtedly the forerunners of the famous Inquisition of State. The period at which the Inquisition of State was established by law is doubtful. Daru, who had exceptional opportunities to search the Venetian records during the French occupation of Venice, claims to have discovered a decree dated the 16th of June, 1454, to the following effect: "Considering the utility of the permanent institution of the Council of Ten, and the difficulty of bringing the members together under all circumstances which demand their intervention, the Council is empowered to select three of its members, of whom one will be taken from among the councillors of the doge, to exercise, under the title of Inquisitors of State, the surveillance and repressive justice delegated to the Council itself." Hazlitt denounces Daru's discovery as a forgery, and says that no tribunal existed in Venice under the title of Inquisitors of State prior to 1596. As a question of chronology the difference between the two authorities may be interesting. Otherwise it is of but little

moment. There can be no doubt that the Council of Ten, almost from the date of its inception, occasionally delegated its power to three of its members, whatever doubt there may be regarding the time when the Inquisition became a permanent institution. As the Great Council was an aristocratic distillation of the *Arrengo*, so was the Council of Ten a distillation of the Great Council, and the Inquisition of State a distillation of the Council of Ten.

In the early years of its existence the powers of the Council of Ten were defined and restrained, but it gradually assumed jurisdiction not only over all political offences, but over crimes of violence against the persons of the nobility, the wrong-doings of magistrates, counterfeiting, heresy, even insults at masquerades, when any high personage was involved, and all crimes, in fact, which its members thought worthy of their attention. They rescinded decrees of the Great Council, and made treaties offensive and defensive, even contrary to the declared will of the Senate. They also exercised the right of eminent domain, and did not hesitate to confiscate private property for public purposes, without waiting for the slow process of the courts. They were served by a faithful force of spies, and a body of armed satellites was at their beck, while a number of galleys, with the letters C. D. X. on the poop, were always ready to bear their mandates to distant shores.

The Council was stern, but not needlessly cruel in its judgments and punishments. It represented an aristocracy, jealous of its wealth, its power and its privileges, and holding in subjection a numerous commonalty in the dogado, and extensive and scattered dominions abroad. To maintain the domination of that aristocracy against discontent, sedition and treason at home, to mar the plots and be ever ready to meet the hostility of restless subjects and ambitious

neighbors, was the duty of the Council of Ten, and its members never failed or swerved in the discharge of that duty. The treason of the patrician was as rigidly punished as the sedition of the commoner. The prince himself was as amenable as the poorest laborer on a wharf to the authority of the ten representatives of the majesty, not of the Venetian people, but of the Venetian nobility, and a doge (Marino Faliero) was publicly beheaded for the unpardonable crime of conspiring to overthrow the oligarchy.

The prerogatives of the ducal office were more and more restricted, until the prince was reduced to the position of a mere tool of the decemvirate. In 1339 the doge was debarred from vacating the throne without the consent of the Privy Council, and he was prohibited from giving decisive answers to any one on affairs of State, or from receiving foreign envoys, or (1354) even his own ambassadors, in the absence of a certain proportion of the College; and he was required (1365) to be prepared to abdicate, at the invitation of the Great and Privy Councils, within three days, under penalty of forfeiture of his property, and (1368) to dispose of all the family estates upon his accession to power. In the latter year, also, Andrea Contarini, having refused to accept the ducal crown, was threatened with the confiscation of his property, should he persist in his contumacy, and he yielded. A more significant change was that made in 1401, in the style of addressing the chief magistrate. He was no longer to be called *Monsignore* (My Lord), but *Messer lo doge* (Mr. Doge). At a later period the doge's family were declared incapable of offering propositions in the Councils, or of sitting in the College, and during the sixteenth and seventeenth centuries they were deprived of many privileges enjoyed by ordinary patricians. The doge was a prisoner in gilded chains, "a king in the purple, a senator in the legislature, a captive in the city."

When affairs of great moment were to be considered, the Council of Ten usually summoned a junta of leading citizens to deliberate with it. For example, the fate of Marino Faliero was decided by a Court composed of nine members of the Council of Ten—one, the doge's nephew, being excluded—six privy councillors, and twenty citizens selected for their wisdom and eminence, but having no vote. When the conspiracy of which Francesco Novello and his son were alleged to be the main movers, was being investigated, a junta of six was summoned to co-operate with the Ten; and, on an equally important occasion, twenty senators assisted the doge, privy council, and the decemvirs in arriving at the conclusion to arrest Francesco di' Carmagnola, then captain-general of the forces of the republic, suspected of treasonable intrigues with Filippo-Maria Visconti, Duke of Milan. Carmagnola was tried by a special committee of nine persons, consisting of one privy councillor, three chiefs of the Ten, three Inquisitors of the Ten, and the two public prosecutors. A confession was wrung from him by the application of fiery torture, and, on the strength of that confession, corroborated by the testimony of witnesses, he was beheaded.

The Council conducted its proceedings with the utmost secrecy, for secrecy was often essential to its plans, especially when ramifications of alleged plots were being traced, and the arrest of some person of high position was meditated. Before entering upon the investigation of any grave matter it was usual for the Council to bind themselves and those who might be called to act with them, to secrecy, under pain of the forfeiture of goods and heads. When any patrician suffered death or other penalty through a verdict of the Council it was decreed that neither the immediate relatives of the condemned, nor the convicted

person himself, if the punishment was not capital, and did not carry with it perpetual exclusion from office, should ever sit in judgment upon those who had been judges in the case.

The Ten maintained a strict supervision over the acts of public officials. Podestas, governors, military and naval commanders, and all other servants of the State were under the jurisdiction of the Council, and subject to any censure or penalty which that tribunal might choose to inflict. To the Ten in secret conclave were submitted the complaints against magistrates for maladministration, the suggestions of spies, and communications from persons known and unknown, having a bearing upon the interests of the oligarchy. When action was determined upon, it was taken swiftly and silently. The victim was never given cause to entertain even a suspicion that he was suspected. Sudden as a stroke of apoplexy the agent of the Decemvirs seized him, and hurried him away to a dungeon, to be examined by a committee of the Ten, with or without torture, as the committee might decide. Before his family and friends had learned of his absence, his doom was, perhaps, already decided upon. When an execution was public, and it was feared that the condemned might make some undesirable revelations at the block, or under the noose, he was gagged, and thus deprived of even the poor satisfaction of giving his own side of the story before death.

II. The Inquisition of State was even more mysterious, arbitrary, and regardless of individual rights than the Council, of which it was the essence and outgrowth. The Inquisitors were three in number. They were appointed for one year, two being taken from among the Ten, and the third from among the councillors of the doge. The two from the Ten were known as *The Blacks*, because the Ten

wore black robes, and the other was called *The Red*, because the councillors of the doge were distinguished by their crimson attire. Under the rule of the Inquisition the degrading trade of espionage became refined to an art. The agents of this invisible magistracy pervaded every walk of life. In the halls of justice and of legislation, the haunts of pleasure, the streets, the very houses of citizens, they listened in disguise for some unguarded word. Informers were encouraged and rewarded—though there were a few remarkable exceptions to this rule. Fastened to the wall of the court of the ducal palace were boxes shaped like lions' mouths, into which any one might throw papers containing accusations. Beneath each of the "speaking mouths," as they were termed, was a brief notice indicating the special kind of denunciation it was intended to receive. The Inquisitors had the keys, and emptied the boxes every evening. Persons whose communications turned out to be of value were well paid, and it was usual for an informer to tear off a piece from the paper containing his statement before placing it in the lion's mouth, in order that he might afterward prove himself to be the author, and receive the reward. Four emissaries of the Inquisition were constantly attached to the household of each foreign ambassador, with instructions to report all that passed. A patrician who spoke of the Venetian government in an unfriendly way was first warned to be more careful and circumspect. If he repeated the offence he was again reprimanded. The third time he was excluded from the Grand Council for two years, and, should he prove himself an incorrigible malcontent, he was quietly arrested, and strangled or drowned. If a nobleman arose in the Grand Council to denounce the dread tribunal he was not interrupted, but he was afterward spirited away and put to death. Nor were the Inquisitors more merciful

toward each other. If one of them was guilty of a grave crime, his two colleagues, with the assistance of a third person called in for the occasion, tried and sentenced him.

The cells into which prisoners were thrown, after being arrested, were known as the *wells* and the *leads*. The *wells* were dungeons beneath the level of the canal, and were so-called, because there was generally about two feet of sea-water in them. The wretched prisoner, if he did not care to soak his legs in the salt water, had to remain on the planks upon which his mattress was spread, and on which his daily meal of bread, soup and water was laid. Unless he ate the food without delay enormous rats would devour it before his eyes. The *leads* were situated immediately beneath the leaden roof of the ducal palace. Casanova, who was immured in a Venetian dungeon in 1755, thus describes his experience: "The jailor took a great key, and opened a door about three feet and a half in height, and plated with iron. In the middle of the door was an opening about eight inches square. On entering I saw an instrument of iron fastened to the wall. My guide, who noticed my surprise, said, with a smile, 'The gentleman is not able, probably, to divine the use of that machine. When the illustrious Inquisitors ordain that a prisoner be strangled he is made to sit upon a stool, and an iron collar is put half around his neck. Then a silken cord is passed around his neck, the ends of which are attached to a crank, which is turned until the patient has given up the ghost; but the confessor does not leave him until he is dead.'

"'What a contrivance!' I exclaimed; probably it is you who have the honor to turn the crank.' My amiable cicerone did not answer, and we passed on. The cells for prisoners of State were situated in the highest story, under the top of the ducal palace. The roof is covered neither

with slate nor tiles, but with sheets of lead about three feet square. The rays of the sun falling directly upon the leaden roof of my dungeon made it as hot as a stove. During the day I kept myself entirely naked, while the bench upon which I sat was wet with the streams of sweat that ran from my body. Air was admitted through an opening about two feet square, obstructed by six bars of iron, each an inch thick, which crossed each other. Innumerable swarms of insects caused me intolerable pain, and I dared not utter a word of complaint, lest I should be put down into the *wells*."

Silvio Pellico, the patriot, poet and journalist, was confined in the *leads* after his removal from the prison of Santa Margherita, in Milan, in the month of March, 1821. "It would be difficult to believe," he says, "how hot the air in my cell was. At high noon, under a roof of lead, with a window opening upon the roof of St. Mark's, also of lead, and the reflection of which was terrible, I was almost suffocated. I had never had an idea of a heat so overwhelming. To this punishment, already so great, was added a plague of gnats, in such swarms that if I stirred them up by the slightest movement I was at once covered with them. The bed, table, chairs, floor, walls and the vault overhead, were hidden by the insects, and the air contained such an infinite multitude that they came and went unceasingly by my window with an infernal buzzing. The stings of these insects are painful, and when one is being stung from morning until evening and from evening until morning, and is obliged to think all the time how to escape the scourge by diminishing their numbers, the torment is, indeed, too great for mind and for body."

The instrument of death alluded to by Casanova consisted of two iron prongs fixed in the wall. The condemned

person was placed upon a stool, and his neck forced back between the prongs. The executioner then passed around the victim's neck a cord, the two ends of which were attached to a wheel, and the executioner turned the wheel until the sufferer was dead.

An unfortunate man, snatched suddenly and secretly from the busy scenes of life, perhaps from a luxurious and happy home, and cast into the damp dungeon below, or the hot oven above, forbidden intercourse with friend or relative, not permitted to have the advice of counsel, conscious that even his whereabouts was unknown to those dearest to him, and that they were probably in an agony of apprehension on account of his unexplained absence, was in a fitting condition to be tortured by the cord or the brazier into making any admission that might suit the purposes of his prosecutors. He was quite likely to confess the truth, and also to tell any lies that the questions addressed to him might indicate to be desired; and hope of being spared from a terrible death, of once more getting out into the world from which he had been torn, would be an additional incitement to try to win mercy by satisfying the Inquisitors. Indeed, the very prospect, the very thought of the penalties visited upon the suspected and the guilty sometimes led to the exposure of treasonable machinations.

III. The oligarchy held toward the papal court the same independent and respectful attitude which had been characteristic of the republic from the earliest existence of the Venetian church. The Venetians never forgot that the pontiff of Rome was an earthly prince as well as a spiritual sovereign, and that the temporal interests of the Holy See were hostile to the aggrandizement and prosperity of Venice. They remembered that it was, in the language of Machiavelli, "invariably the custom of the popes to be

jealous of those whose power in Italy had become great, even when its growth had been occasioned by the favors of the Church; and as they always endeavored to destroy it, frequent troubles and changes were the result. Their fear of a powerful person caused them to increase the influence of one previously weak; his becoming great caused him also to be feared, and his being feared made them seek the means of destroying him." What Machiavelli said of persons applied likewise to States, and the efforts of the Roman pontiffs to build up the dominion of the Holy See at the expense of the weaker princes and communes kept Italy in almost continual strife. The popes were greatly aided in their schemes of ambition by the resident clergy, who, ignoring the loyalty which they owed to their country, often acted as the tools and spies of the head of the Church. These facts did not escape the attention of the jealous and vigilant rulers of Venice, and while the Venetians were liberal and even munificent in their treatment of the ecclesiastical order, they firmly and inflexibly opposed every attempt to encroach upon the domain of the civil power.

The Reformation took early root in the dogado, Venice being the great depot of commerce between Germany and the east; and, as early as 1520, Luther received news that there was a demand in Venice for evangelical preachers and books. Protestant refugees found a secure asylum in the lagoons. The sagacious oligarchy felt that men who were true to God were not likely to be false to the State, and they comprehended that the commercial interests of the republic might be seriously damaged by an inquisition into the religious belief of those who thronged to her busy wharfs from all parts of the known world. For a time it seemed that freedom of conscience would be tolerated, if

not permitted, and the Protestants were emboldened by impunity to form a private society for worship. But the vigorous measures adopted by the new Congregation of the Holy Office (established July 21, 1542), soon put to flight the hopes of the reformers. Six cardinals, with the ascetic Caraffa at their head, were invested with full jurisdiction to search out and to punish, even to death, all persons suspected of infidelity to the established faith, and to enforce their judgments without respect to age, to sex, or to rank. They were authorized to appoint agents to act for them in the several States, and the civil authorities were enjoined to aid to the utmost of their ability in the work of exterminating heretics. Venice did not defy the papal decree, but continued to maintain the right of the State to supervise and restrict the exercise of ecclesiastical jurisdiction. Lay judges sat, as in former times, with the Inquisitors, and no sentence or resolution was valid without the sanction and approval of the representatives of the government.

The accession of Caraffa to the papal chair in 1555, with the title of Paul IV, added fresh violence to persecution, and the energies of the Inquisition were specially directed to the extinction of Protestantism in the dogado. The Venetian Senate, overcome by ecclesiastical pressure, reluctantly consented that condemned heretics should be put to death. The martyrs to religious principle were drowned at night in the waters of the lagoon, and their fellow-believers only escaped a similar doom by timely flight, or by disguising their convictions. The Council of Trent administered a fatal blow to the evangelical movement in the peninsula. The dogmas of Catholicity were clearly defined; papal supremacy was recognized and confirmed, and the pope, as the interpreter of the Tridentine

decisions, was able to denounce as heresy any doctrine or proposition which did not accord with the most absolute submission to the papacy. Pius V (Michele Ghisleri), who sent Alva a consecrated hat and sword,* stamped out Protestantism in Italy. The sanguinary severities of the Inquisition had the desired effect, and the flame which had once burned so brightly was finally quenched.

But while willing to prohibit and punish as a crime any departure from the recognized forms of worship, the Venetian oligarchy viewed with jealousy and suspicion the growing wealth and arrogant pretensions of the clergy. A large proportion of the landed property within the dogado was owned or controlled by religious bodies; and the Church was being enriched to the detriment of noble families, deprived by improvident piety of the estates which would have enabled them to sustain a position worthy of their patrician ancestry. Ecclesiastics, encouraged by the favor and countenance of the Holy See, claimed immunity from the jurisdiction of the civil courts, and refused to bow to the laws which were binding alike upon the prince and

*The name of the Duke of Alva is justly classed with those of Nero, Ivan the Terrible, and other monsters whom Providence has allowed to scourge mankind. During the six years that he governed the Netherlands eighteen thousand persons perished by the hand of the executioner, besides numbers massacred in Naarden, Zutphen, and other captured cities, and those whom the Spanish soldiers wantonly put to death. Some were flayed alive, and their skins used for drums; the flesh of some was torn with red-hot pincers; and others were roasted before a slow fire. Even the remains of the dead were disinterred and burned, under the pretence that they had died without confession. The Spaniards seized upon anything that attracted their capricious fancy, and the profits from confiscated estates were said to amount to eight millions of guilders yearly. No wonder that the men of Holland, when goaded at length into a desperate rebellion, expressed their determination to perish, one town after another, rather than again submit to the Spanish yoke.

the peasant. The evil became at length so intolerable that, in 1606, shortly after the accession of Pope Paul V, the Senate decreed, (1) that no convent or religious congregation should be founded without their permission; (2) that no property or perpetual revenue of any kind should be bequeathed to the Church without their approbation; (3) that clerical men accused of crime should be judged by the secular power, like other citizens.

Pope Paul threatened the Venetian government with the papal anathema, unless the obnoxious enactment should at once be rescinded. The republic remained inflexible; and the pontiff issued a brief directing a sentence of excommunication against the doge and the Senate, and placing Venice under an interdict. The Senate forbade the publication of the bull within the Venetian dominions. Ecclesiastics who refused, in obedience to the papal mandate, to perform their clerical functions, were allowed to depart from the dogado; but many of the bishops and priests continued to discharge their duties, as usual, and the people were not denied the consolations of religion. Father Paul (Pietro Sarpi), the famous monk, and historian of the Council of Trent, used his pen with brilliant effect in defence of the republic, and in opposition to the pretensions of the Holy See,* while Bellarmine and Baronius championed the papal cause. Henry IV, of France, and the emperor, Rodolph II, of Austria, took the part of Venice, while Philip III, of Spain, (the Pious), upheld the pontiff. The mediation

*There seems to be no reasonable doubt that Father Paul was a staunch Roman Catholic in his doctrinal views, although no friend to the unrestricted supremacy of the Roman pontiff. Had he been a heretic, he was too frank and outspoken to have concealed the fact, and his vindictive and watchful enemies would surely have compassed his destruction. In the language of Courayer, "Paul wished for the reformation of the papacy, and not the overthrow of it; and was an enemy to the abuses and pretensions of the popes, not their place."

of the French king fortunately brought about an agreement between Rome and the commune. In compliance with the suggestions of Henry, two clerical culprits were given up to the Pope, "saving the right of the republic to punish all offenders, clerical or lay, within its dominions." The reconciliation thus accomplished was, however, neither heartfelt nor genuine, and Pope Paul only awaited a favorable opportunity to assert his authority in the dogado.

The famous Spanish conspiracy, which so nearly undermined the foundations of the Venetian republic, was discovered shortly after the accession of Antonio Priuli, who was elevated to the ducal throne in 1618. Venice had passed the zenith of her prosperity. The discovery of America and of the passage around the Cape of Good Hope had diverted trade into new channels, and the islanders no longer monopolized the traffic between Europe and the East. But Venice yet possessed magnificent provinces on the mainland of Italy, and military positions of the highest importance to any power aspiring to the supremacy of the peninsula. Although her commerce had declined, there was yet enough to keep her merchant marine busy, and for her still to deserve the title of Queen of the Adriatic. The Pope, the House of Austria, and the king of Spain, all looked upon her with jealousy, and would fain have divided her spoils. But thanks to a firm and vigilant central government, the republic met and annihilated, with a vigor and rigor unparalleled in history, the plot which threatened its very existence.

The chiefs of the conspiracy were three eminent Spaniards, Don Pedro Telez y Giron, duke of Ossuna and Viceroy of Naples, Don Pedro de Toledo, governor of the Milanese, and Hdefonso de la Cueva, better known as the

Marquis of Bedmar, the Spanish Ambassador to Venice. The Marquis was well fitted to be the mainspring of such a perilous movement. He had been nourished on the traditions of Spanish diplomacy, and was a man of rare sagacity, refined and subtle mind, usually cold and reserved in his manner and language, but capable of the most winning and gracious condescension. He spoke with ease several European languages, and was versed in literature, and a patron of art. He knew the sentiments and aims of his sovereign, and was adroit enough to attempt to accomplish those aims without comprising the sovereign.

The Duke d' Ossuna was an earnest ally in the conspiracy, of which he is even said to have been the projector. The duke communicated his plans to the Spanish ministry, and accepted their silence as an authorization to proceed. He sent emissaries to the various courts of Europe, and even to the Sultan, to ask for aid in men and money. France refused to enter into his designs, but shut her eyes to the proceedings of the Marshal de Lesdiguières, governor of Dauphiny, who engaged personally to forward troops to Naples, led by experienced officers. The Duke of Savoy promised open support; the Prince of Orange not only agreed to furnish a large number of ships to the viceroy, but also empowered the commander of the Dutch troops in the service of Venice to enlist men favorable to the Neapolitan cause.

Among the adventurers whom the duke gathered around him, preparatory to striking a deadly blow at the heart of Venice, was one, Captain Jacques Pierre, a Norman by birth, a pirate in his youth, and, in maturer years, a bold commander in legitimate warfare on the sea. Jacques had made a fortune, and retired to Nice, to end his days in peace. But fate ruled otherwise. The duke cast his eyes around

for a ready and efficient instrument, and they lighted on Jacques Pierre. He sent for the old sailor, told him what he wanted him for, and communicated to him the correspondence that had passed between himself and the Marquis de Bedmar. Jacques agreed to serve one who had been a generous master in former years. In order to mask their designs, Jacques made public threats against the duke, and denounced him for tyranny and ingratitude, and started clandestinely for the dogado; while the viceroy, on his part, charged the captain with treason, sent horsemen in pursuit of him, confiscated his property, and threw his wife and children into prison. The farce was so well played that everybody believed that Jacques had fallen into disgrace, and in Venice, where he arrived in the latter part of July, 1617, he was welcomed as a victim of D'Ossuna's policy. Jacques immediately obtained employment in the Venetian navy. He then took a step of surprising boldness. He obtained a secret interview with the doge, and told the chief magistrate that the duke D'Ossuna entertained hostile designs against the republic, and had asked him to become his agent in Venice, but that his soul rebelled against the infamous mission. He painted in vivid colors the intentions and resources of the Spaniard, and finished by saying, that, should the Signory judge it proper, he would continue to correspond with the duke, in order that the Council of Ten, holding in its hand the threads of the web that the viceroy was weaving, might be able to break it at will. The Venetian government agreed to the proposition. By this daring strategem Jacques hoped to be able successfully to veil the real projects of his employer from the ubiquitous spies of the Inquisition.

Having thus, as he supposed, secured himself against detection, the old captain placed himself in communication

with the Marquis of Bedmar, carefully studied the Venetian system of fortifications, and ascertained the depth of the various channels by which vessels could obtain access to the capital. He initiated in the conspiracy a majority of the captains of mercenaries in the service of the republic, and recruited many soldiers of fortune, chiefly Frenchmen. Jacques was a long time in perfecting the plot, for his position demanded the gravest caution. Every day he met new obstacles, which he had either to circumvent or to overcome, without exciting suspicion. For instance, the Duke d'Ossuna sent him as an assistant a Neapolitan named Alexander Spinosa, an artful and astute man, but careless in his speech. Captain Jacques did not hesitate to get rid of him, and at the same time to earn the thanks of the Signory. He denounced Spinosa to the Inquisitors as a dangerous person, and the Neapolitan's body was soon afterward floating in the grand canal.

Jacques's plans for the surprise and capture of Venice were matured, and he was impatiently awaiting the arrival in the gulf of vessels with an auxiliary force of Spaniards, when the Venetian government ordered him to join the fleet at the entrance of the Adriatic. It is possible that this order was given because, while not suspecting Pierre of treason, they looked upon him as a man who ought to be where he could do no harm. It is possible, too, that undefined rumors of something wrong had reached the ears of the secret tribunal at the head of the State; for it is unreasonably to suppose that a conspiracy including a vast number of persons—though nearly all those persons were unable to speak the Venetian tongue—could be concocted, and the plans for its execution laid, without a whisper as to its designs being heard by the most vigilant and efficient detectives in the world. The loss of the managing

mind was fatal to the plot. For months many of the conspirators had been tormented with uncertainty and dread. They knew the terrible penalty of discovery, and began to fear that success was beyond achievement, and that the doom of traitors was impending over them. Two Frenchmen, a captain of infantry and a gentleman from Languedoc, were the first to reveal to the amazed Inquisitors the existence of the train laid for the destruction of the republic. All the chiefs of the conspiracy within reach of Venetian justice were arrested. Some were tortured in order to extort from them further revelations; fifty were strangled in one night, several were hanged, and twenty-nine were drowned in the canal. On the mainland two hundred and sixty officers and other military men perished at the hand of the executioner. A mandate was sent to the admiral of the fleet, and Jacques Pierre, and forty-five others suspected of complicity with him, were thrown into the sea. Even those who had betrayed the conspiracy did not escape death. Though a pretense was made of rewarding them, one was drowned, and the other was secretly assassinated. But, if the punishment of the guilty was awful and sanguinary, the crime itself was one of the most odious and dangerous that could be conceived, and the necessity for exemplary measures was apparent. Venice was in a critical and perilous situation. The very mercenaries upon whom she relied for the defense of her empire against powerful and covetous enemies had been seduced into infidelity. They did not understand the Venetian language or the Venetian laws. Mildness would have been accepted by them as the offspring of fear, and they would probably have been ready to take up with the next proposition to enrich themselves by plundering and murdering their employers. But the wholesale executions struck terror into

their stolid minds, and were a terrible warning, intelligible to every hireling in the army, for the most ignorant boor can comprehend the logic of the gallows.*

As an expression of gratitude for the escape of the republic from such a fearful danger the Venetian government decreed that thanksgiving services in commemoration of the discovery of the plot should be held once every year in all the churches, and that whosoever failed to join in celebrating the day should be hanged as a traitor. Energetic steps were likewise taken to guard the State against treasonable combinations in the future. It was ordered that during the sittings of the Great Council a force of three hundred men, armed with arquebuses and halberts, should patrol the streets and canals in the neighborhood of the hall; and that a detachment should occupy the *logiutta*

*The Marquis de Bedmar, finding Venice too dangerous a place to live in, anticipated his recall, already demanded by the Signory, and took refuge in Milan. There he wrote an explanation of, or rather an apology, for his part in recent events, under the form of advice addressed to his successor. In that paper he did not admit that he had been connected with the conspiracy, but simply said: "It is enough that the king knows that the Duke d'Ossuna and I have not been wanting in our duty."

Though the plot was such a striking failure, neither the Viceroy nor the Marquis lost favor with Philip, and it was not until some time afterward that the Spanish monarch was compelled by the loud complaints of the Neapolitans to recall his ambitious lieutenant. D'Ossuna was put on trial for various offences, one of which was that he had, at a magnificent fete in honor of the wedding of his son, placed upon his own head the royal crown of Naples. He pretended that the act was done in jest; but there was good reason to believe that he had long aspired to make himself the independent occupant of a throne. He died in prison, partly from apoplexy and partly from poison.

De Bedmar was more fortunate. He was sent to Flanders as President of the Council, and the Pope gave him a cardinal's hat. He lost his position in Flanders on account of his extreme severity, was appointed to the bishopric of Malaga, and retired to Rome, and died there in 1655.

in the clock-tower, where, in accord with ancient usage, two procurators of St. Mark's kept watch over the safety of the legislature. Twelve pieces of cannon, loaded and ready to be fired at any moment, were placed in front of the palace of St. Mark, as an additional protection to the Council of Ten. The number of sentinels at the arsenal was doubled, and five gondolas patrolled the waters between the capital and the mainland, inspected vessels to see if they had any suspicious persons on board, and prevented anyone from leaving the city after certain hours at night, without express permission from the authorities. Officials charged with the supervision of strangers, were commanded to redouble their vigilance, and to require from the keepers of inns, taverns and lodging houses a list of the persons entertained by them, death being the penalty of an attempt to evade the regulation. The parish priests were instructed to furnish an exact statement of the number of individuals in their parishes, especially of the male population, and to specify their means of living and their reputation for good or bad conduct. Four nobles were appointed in each district, with the title of Commissioners of Public Tranquility, to receive and act upon the information furnished by the parish priests, to prevent strangers from holding meetings, and to preserve the public peace. These Commissioners were to make a monthly report of the condition of affairs in their districts. The commonalty were forbidden to bear arms, or even to carry daggers, and every chief of a ward was provided with weapons and ammunition, to be distributed, should occasion arise, to the ruling class and their trustworthy retainers. Police spies and agents dogged the steps of visitors, and shadowed everyone upon whom the slightest suspicion rested. Citizens were employed to watch each other, and the pleasures of the social board were marred by the dread

that an informer might be present in the person of an intimate friend.

The arrogance and absolutism of the Council of Ten, and of its Committee, the Inquisition of State, became at length intolerable even to the class which they represented, and from whose ranks they were elected. A number of unjust and arbitrary sentences served to inflame the indignation of the patricians, especially the condemnation and ignominious execution of Marco Foscarini, a highly respected citizen, who was hanged as a traitor, though his innocence was afterward clearly demonstrated. But no ordinary nobleman would dare to challenge the dread tribunal, whose mandate might at any moment consign him to a dungeon. It was reserved for one of the chiefs of the Ten, a man of ancient and illustrious family, to propose in the Grand Council the reform of the decemvirate. For offering that proposition Reniero Zeno was sentenced by his colleagues to banishment. When the day arrived for the election of the succeeding Council of Ten, the national legislature, by general agreement, failed to give any candidate a majority, and the decemvirate ceased to exist. Then ensued a debate as to whether the institution should or should not be revived, and a committee was appointed to consider the question. The report of the committee was briefly to the following effect: "In a State where such a great number of persons share in the sovereign power it is necessary to restrain by an ever-active force the ambition of individuals. The institution of the Council of Ten answers this end perfectly, but it is proper to interdict it from exercising any attributes beyond those especially assigned to it, and, above all, from interpreting, restraining, modifying or annulling the laws of the Great Council." The discussion on this report was warm and protracted.

Zeno's sentence of exile was revoked by a vote of eight hundred and forty-eight to two hundred and ninety-eight, but the legislature was, nevertheless, decidedly in favor of perpetuating the Council of Ten. The arguments and assertions advanced by the various speakers show that even in that day, in Venice itself, there was a wide difference of opinion as to whether the institution did or did not deserve its reputation for severity and cruelty. "Of what use is the Great Council," exclaimed Andrea Morosini, "if the Ten arrogate to themselves the power of legislation; if they elect magistrates, and violate ordinances at will? Of what use is the Senate, if the Ten make, without their knowledge, treaties, leagues and alliances? What remains to the Criminal Forty, if the Council of Ten take cognizance of all crimes, and grant pardon whenever they like?" Francesco Contarini denounced the decemvirate as a tribunal that spread desolation wherever it presented itself, affixed infamy to patrician houses, treated commanders as serfs, dug out secrets of families, and was never content without a victim. On the other hand, Antonio da Ponte complained that the Council was too lenient in the punishment of crime, and in extending grace to exiled assassins. Other apologists called it "the safeguard of individuals and of families, the keystone of the State, a rod full of eyes, ever watching the preservation of the common liberty." Nearly all, however, united in denouncing the perpetual secretaries of the Ten, who did not belong to the nobility, who, unlike their masters, were not subject to removal, and, as one senator put it, "who transmitted traditions of harshness and cruelty, whose heads were full of stories of detections, confiscations, the cord, torture, poison and the gibbet, in a word, all the most ingenious varieties of summary punishment." The office of these secretaries was

abolished by a vote of thirteen hundred and seven in a house of fourteen hundred and fifteen, and the Council of Ten was revived, with its authority somewhat restricted. It continued, however, to be the chief executive and administrative magistracy of the republic, to have at its command a host of spies and informers, and to maintain that impenetrable secrecy and exclusiveness which inspired awe and dread in the multitude.

IV. The cost of the protracted and disastrous wars which resulted in the loss of the dominions which the republic had acquired at the time of the conquest of Constantinople by Arrigo Dandolo, compelled the oligarchy to open the doors of the Great Council to wealthy commoners, in order to replenish the exhausted treasury. After the Turkish triumph at Canea, in the island of Crete, in 1645, it was proposed that any plebeian who should pay to the State sixty thousand ducats should have his name written in the Book of Gold, and enjoy all the rights and privileges of patrician rank. In vain Senator Angelo Michieli protested: "You change," he exclaimed, "the very nature of this government in placing the patriciate at auction. Is it to cure an evil that you corrupt the body politic? How can you expect that the people will respect authority in the hands of those whom, but recently, they had for companions of their labors—perhaps of their vices? You need money? Then sell your sons, but do not sell the nobility!" The privilege was at first limited to five individuals, who should prove that neither they, their fathers, nor grandfathers, had been employed in a mechanical trade. The enactment also provided that aliens of certain nationalities, who should pay seventy thousand ducats into the treasury, might become nobles of Venice. The preference, said the decree, was to be given to the Greek nation, as having for a long time

borne the sceptre, and as having deserved well of the republic. Those Italians only were to be admitted who could prove themselves possessed of all the qualifications necessary to the dignity of Venetian nobility. Germans, English, French and Spaniards were admissible, but Jews, Turks and Saracens were rigidly excluded. The prize was, however, so tempting, and the solicitations of candidates so pressing, that, instead of the honors of nobility being sold to five individuals only, the great privilege was extended to twenty, fifty, and finally eighty, and the treasury was enriched by from eight to ten millions of ducats. How different this mercenary sale of the patriciate from that memorable event of September 4, 1381, when thirty plebeians were solemnly elected nobles, as a reward for their patriotism and devotion to their country in its struggle for life with the Genoese! How significant of the change which had come over the republic in the intervening centuries!

The Great Council was also opened in 1645 to two hundred patricians, who had attained the age of eighteen years, and who paid two hundred ducats each for their premature honors.

As the oligarchy became weaker the commonalty grew bolder, and occasionally they dared to assert their ancient and long-abrogated rights. In 1674, the Electoral College of Forty-one nominated as doge John Sagredo, an able orator and diplomat, and brother of the late doge, Nicolas Sagredo. His election had been procured by intrigue as dishonorable as it was shameless. The indignation of the usually calm Venetians was aroused, and when the decision of the College was announced to the multitude, shouts of "No! No! We will not have him!" drowned the voice of the speaker. The government ordered the square to be

cleared. A small body of guardsmen tried to execute the command, but the throng was too determined and compact to be dispersed. Then the guard fired into the assembly. This only exasperated the people. They threw the minions of tyranny into the sea, rushed up the grand staircase into the ducal palace, and threatened to force the doors of the chamber in which the electors were assembled. The terrified College revoked their decision, and nominated Louis Contareno, a man highly esteemed, and acceptable to all. The occasion is remarkable as the only instance in which the proud oligarchy who ruled Venice yielded to the popular will in the choice of a prince.

Even the Inquisition was affected by the advance of civilization and enlightenment, and during the last century and a half of Venetian independence, the victims of political persecution were very few. The terrible horse-shoe remained imbedded in the wall of the ducal prison, and a poor wretch was occasionally choked to death by the silken cord, or drowned in the Canal of Orphans, but such occurrences were much rarer than in former times. Even when commissioners were appointed to investigate abuses, and remodel the constitution in accordance with the age, the Inquisition promptly met the issue, ordered the men intrusted with the task of reform to appear before it, and enjoined upon them not to suggest any material modification in the system of government. So nothing was done.

When, after the abdication of the oligarchy, in May, 1797, the dungeons of the Inquisition of State were thrown open, the liberators found therein but one solitary prisoner. He had been immured for sixteen years, and was utterly ignorant of the stirring events in the world outside that had led to his release, and it was many days before he could be made to comprehend them. The prison register

showed that the number of persons condemned since the beginning of the century for political crimes was not more than fourteen. In the dungeons were many traces on the walls made by the unfortunates who had been confined therein while waiting for their doom. Among the marks were crosses, figures, cabalistic lines, verses and maxims, half effaced by time and dampness. Most of the inscriptions that could be deciphered expressed terror, repentance, dread of an awful punishment, or despair.

V. The aristocracy of Venice was divided into three distinct classes—distinctions not recognized by law, but validated by custom. There were the ancient houses, who traced their lineage back to the foundation of the republic. These were known as the electoral families, because most of the doges went forth from their palaces. The second class was composed of families who were represented in the Great Council at the time that the right to sit in that body was made perpetual and hereditary. The third class were the thirty families elevated to the patriciate, ninety years after the closing of the Great Council, for services rendered to the State during the war of Chioggia. A fourth class was afterward added, including citizens who bought the nobility under the decree of 1645, noble Candiots, who took refuge in Venice after the loss of that island, and the nobility of the Venetian provinces. The patricians were also divided into the two classes of rich and poor, or, as they were termed, *Lords* and *Barnabots*. The Lords were the rich nobles, and some of them possessed princely wealth. The poor Barnabots were so-called because many of them resided in the quarter of St. Barnaby. At the time of the overthrow of the republic by the French under Bonaparte, the patrician families of Venice numbered about twelve hundred. Sixty of these enjoyed large fortunes, about a quarter were com-

fortably well off, and the rest almost destitute, and some of them, plunged in squalid want, made a living by the sale of their suffrages, and by serving the government as secret agents and in other capacities. All nobles, except the doge, were subject to public charges in time of war; in peace they only paid their tithes. The law of primogeniture did not exist in Venice, but entails prevented the alienation of estates. When there were several brothers in one house, the one least likely to make his way in the world was married off, care being taken to get a rich wife for him, if possible. The daughters who did not succeed in obtaining husbands were sent to a convent, while the males of the family lived in common on the undivided property. Nobles were restricted from marriage with foreigners. If a patrician desired to espouse the daughter of an ordinary citizen, it was necessary for him first to procure the consent of the Great Council to the union; otherwise the children of the marriage would not be recognized as noble Venetians, and could not inherit entailed property. Nobles who accepted ecclesiastical appointments lost their political rights, even the knights of Malta being included in this rule. The nobility were also prohibited from receiving any favor whatever from foreign princes, and ambassadors were stringently forbidden to accept any gift, however small, without the consent of the Senate. Patricians were interdicted from engaging in trade, but this prohibition was never enforced, and noble Venetians were always more or less interested in commerce.

In order to ameliorate the condition of the lesser nobility, shut out by law and custom from ordinary means of livelihood, the government established lodging-houses, organized free schools for the male children, and convents for the females, and created a fund for furnishing young women of

patrician rank with a marriage settlement. The public offices afforded but a precarious refuge to the needy nobles. Of the six hundred official positions in the dogado, the colonies and provinces, the Venetian marine, and in foreign courts and commercial cities, the most were more honorable than lucrative, and some belonged by tradition to the *grand noblesse*. Public offices and public charity were not equal, therefore, to the wants of the patrician paupers, and in the latter days of the republic a nobleman might sometimes be seen, his sword by his side, begging in the street; and women wearing the silken cape which was the feminine badge of gentle blood held out their hands for the gifts of passers-by!* This, too, while the rich middle class of citizen merchants and traders were entirely excluded from any voice in affairs of State. Here, indeed, was the weakness of the Venetian system. The government of Venice was firm, just and efficient. The national credit was honestly maintained, and the national army and marine were kept in good order. Why, then, did this ancient empire, so strong to all outward appearances, an empire which had repulsed Pepin in its infancy, humbled Barbarossa in its youth, and held out against leagued Europe in its maturity, fall to pieces at the threat of a Bonaparte? It was because Bonaparte represented what Venice denied to her best citizens, her business men, her mechanics, her artisans—liberty and equality. The Inquisition might prevent the middle class from conspiring, it might frighten them even from speaking or looking their thoughts, but it could not prevent them from thinking. As soon as they felt that there was a force without strong enough to deliver them; that they were no longer in danger of being hurried off to the gibbet, the

* I find this statement in Galibert's *Histoire de la Republique de Venise*, Chap. xvii, p. 475. It seems incredible.

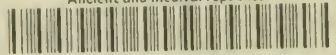
cord or the canal, the long pent-up animosity burst forth, and the nation, more than half of whose brain and blood they were, found itself paralyzed. That Venice, had there been unity of purpose within, would have been able to defy, if not successfully, at least for a long time, all efforts of Napoleon to capture it, is evident. But unity of purpose did not exist. "The more dangerous enemy is inside our walls," said the councillors of the doge in that memorable May of 1797, which witnessed the downfall of the oldest republic in the world; and that enemy was the very class which in genuine republics is the pillar of the State, and the sturdy champion of home rule against foreign aggression and rebel violence.

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